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Environment & Climate News

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# Ice shelf collapse triggers debate

## Nature, Science *say Antarctic is cooling, ice sheet thickening*

BY PAUL J. GEORGIA

In February and March, an ice shelf known as the Larsen B ice shelf in the Antarctic Peninsula collapsed, leading many to raise once again the specter of global warming.

"The disintegration of the ice shelf—1,260 square miles in area and 650 feet thick—was most alarming to some because of the extraordinary rapidity of the collapse," wrote the *Washington Post* on March 20. "The shelf is believed to have existed for as long as 12,000 years before regional temperatures began to rise, yet it disintegrated literally before scientists' eyes over a 35-day period that began January 31."

### Extremists sound alarm

Although there is no evidence to link the event to global warming, the *New York Times* could not help raising the issue in its March 20 edition. "While it is too soon to say whether the changes there are related to a buildup of the 'greenhouse' gas emissions that scientists believe are warming the planet, many experts said it was getting harder to find any other explanation."

Though some scientists quoted were hesitant to link global warming to the collapse, they certainly didn't dispel the notion. Ted Scambos, a glaciologist at the University of

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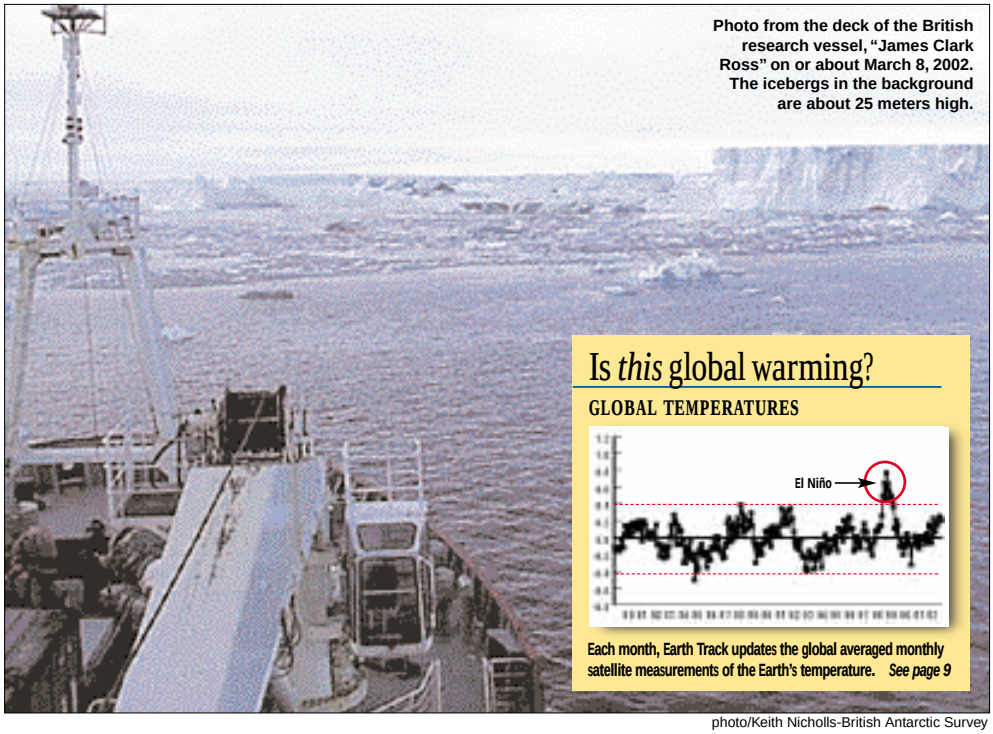

Photo from the deck of the British research vessel, "James Clark Ross" on or about March 8, 2002. The icebergs in the background are about 25 meters high.

photo/Keith Nicholls-British Antarctic Survey

### Is *this* global warming?

GLOBAL TEMPERATURES




Each month, Earth Track updates the global averaged monthly satellite measurements of the Earth's temperature. *See page 9*

# Air pollution risk exaggerated

BY KENNETH GREEN AND JOEL SCHWARTZ

On March 6, the *Journal of the American Medical Association* published a new study of the relationship between air pollution and mortality.

"Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution," by C. Arden Pope and coauthors, contends people living in areas with higher levels of fine, airborne particles are likely to die earlier than people living in areas with less fine-particle pollution.

Specifically, the Pope study contends living in an area with fine particulate levels 70 percent higher than average, results in a 6 percent increase in the risk of death over a 16-year period.

Although the authors claim to have demonstrated a substantial risk from air pollution, they may have mistakenly attributed to air pollution health risks that are actually caused by other factors omitted from their analysis. Furthermore, even taking the results at face value, the study found a relatively small risk from particulates when compared with other risks people face.

### Confounding breeds confusion

The Pope study is an "ecological study": a study in which researchers observe people's health, behaviors, and risk factors in the real world, rather than in the tightly controlled conditions of the laboratory. Ecological studies are inherently limited because researchers cannot obtain detailed ongoing information about the rela-

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## *Farm Bureau endorses EchoStar/DIRECTV merger*

BY JOSEPH L. BAST

Last October, in an announcement with major implications for rural America, the nation's two major digital satellite television service providers announced plans to merge. Since then, debate has raged over whether the merger would benefit consumers or should be stopped by federal officials.

If the plan is approved by state and federal authorities, EchoStar Communications, which operates the DISH network, would merge with Hughes Electronics, which operates DIRECTV. The combined company would start with more than 16.7 million subscribers, about 91 percent of the satellite television market, though only 17 percent of the pay-television market, which includes both satellite and cable delivery.

### Important for rural America

The merger of EchoStar and DIRECTV would

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# Congress ducks out of the CAFE

http://impressivenet/people/gerald/

**BY BRIAN BISHOP**

For a libertarian, what could be less principled than forcing new Corporate Average Fuel Economy (CAFE) standards onto automakers and auto consumers? For a liberal, what could be less principled than an energy policy *without* strict new CAFE standards?

Leave it to Congress to find a compromise that fails everyone's principles, putting CAFE standards into unaccountable bureaucratic hands while at the same time fending off legislative consideration of stiffer standards.

### Insulting our intelligence

John Kerry (D-Massachusetts) abandoned his proposal to raise average fuel economy of new cars and light trucks from 24 to 36 mpg by 2015 after a lopsided, 68 to 32, loss.

The Senator observed that the vote for the compromise was "insulting to the intelligence of Americans who know they want more efficient cars." His statement constitutes its own assault on the American intellect ... for if Americans really wanted more efficient cars, the government would not need to legislate them.

But it must be conceded that Kerry and his crowd are the ones who stuck to their principles, however bankrupt they might be. The amendment adopted by the Senate's Republicans, joined by rust belt Democrats, requires the Secretary of Transportation to set CAFE standards at "maximum feasible levels." Does that sound like less government to you?

Ironically, both sides in this debate believe technology can be forced to reach beyond what is currently practical ... so why settle for what is simply "feasible"? Congress should have voted up or down on the true policy question at issue: Whether the market or the government is a more efficient mechanism for technology forcing.

America will not rise or fall on the adoption or rejection of increased CAFE standards. But Congress's failure to answer the question is more of a threat to American governance and the freedom for which it stands than either resolution might have been.

**FOR MORE INFORMATION**

**WWW** on the Corporate Average Fuel Economy debate, visit The Heartland's "mini-suite" on the issue at **http://www.heartland.org/cafe.htm/**

### The dangers of passing the buck

In the American system of government, Congress makes domestic policy. When it passes the buck to the executive branch by claiming to favor "feasible" mileage standards without saying what they are, the separation of powers crafted by the founding fathers suffers yet one more in a long series of insults. Taken together, these instances of sorry statesmanship may be the straws that break the camel's back.

The theory of the founders was that the branches of government would, by human nature, tenaciously defend their Constitutional powers. Woven of carefully structured countervailing jurisdictions, the Constitution created a relatively inefficient mechanism for lawmaking that would protect individual freedom by limiting the ability of government to enact mandates upon the citizenry and by encouraging one branch to protect individual freedoms encroached on by another.

In a political parallel to baseball's infamous Black Sox scandal—which introduced the seemingly contradictory notion that a team could be rewarded for giving up its drive to win—Congress has realized that tough policy decisions can be avoided simply by sloughing them off onto the administration and blaming bureaucrats for the results.

### Stakeholders take a pass

The logical branch of government to break up such a conspiracy, the judiciary, took a pass on the opportunity of the century when the Supreme Court declined, in the case of *American Trucking v. Browner*, to invalidate a law giving the EPA administrator authority to decide what level of protection for air quality should be instituted. The High Court was not asked to set the level, but rather only to recognize the job fell to Congress.

Industry did itself a disservice in the case by arguing they didn't really mind EPA making the decision, but wanted the agency to consider costs more systematically. Cost-benefit decisions, whether regarding air quality or CAFE standards, are inherently subjective and are the providence of Congress. The Court, for its part, used the plaintiffs' hypocritical strategy to dodge its difficult but necessary role: preventing Congress from passing the lawmaking buck.

Only one justice, Clarence Thomas, had the courage even to suggest that he wanted to take the issue straight on. Perhaps Congress's latest duck of responsibility will eventually give him an opportunity to do so. Whichever side is dissatisfied with the CAFE standards eventually adopted will surely be headed to court.

> **"Congress has realized that tough policy decisions can be avoided simply by sloughing them off onto the administration and blaming bureaucrats for the results."**

### Where the President will stand

While bureaucracies aren't called the fourth branch of government for nothing, the President does put a stamp on certain high-profile regulations. One might reasonably expect the Bush administration to move cautiously in this realm, giving serious consideration to "economic practicability" and "the effects of compliance on employment in the United States," two factors among a baker's dozen cited by Congress to "guide" the Secretary.

But if Al Gore were to stage a comeback in 2004, one could expect an opposite, if equally one-sided, analysis focusing on such other factors as "the need of the United States to conserve energy" and "the effects of increased fuel economy on air quality."

That such a dramatic difference in results could be expected depending upon who sits in the executive office makes clear Congress has not resolved the CAFE standard at all, but has merely decided not to decide.

*Brian Bishop is director of Rhode Island WiseUse and Rhode Island state director for Alliance for America.*

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# EPA enforcer quits with a flourish, joins left-leaning activist group

BY JAMES M. TAYLOR

A top Environmental Protection Agency enforcement official resigned with a flourish on February 27, joining a left-leaning environmental activist group and blasting the Bush administration on his way out the door.

Eric Schaeffer, a 47-year-old attorney and former director of EPA's office of regulatory enforcement, had already lined up a job with the Rockefeller Family Fund when he made his public resignation. The Rockefeller Family Fund champions outside-the-mainstream environmental issues and funds a variety of environmental activist groups. The Fund has criticized environmental enforcement as too lax even in the Clinton era.

In a resignation statement distributed to numerous environmental activist groups, Schaeffer criticized the Bush administration for cutting his funding, deterring the plethora of lawsuits he had filed and threatened against American businesses, and considering new rules that would make it easier for businesses to understand and comply with the Clean Air Act.

"I cannot leave without sharing my frustration about the fate of our enforcement actions against power companies," stated Schaeffer's resignation letter. "It is no longer possible to pretend that the ongoing debate with the White House and Department of Energy is not affecting our ability to negotiate settlements. [W]e have filed no new lawsuits against utility companies since this Administration took office."

Environmental activist groups and their supporters on Capitol Hill took the Schaeffer resignation as an opportunity to criticize the Bush administration and its environmental enforcement policies.

"This letter really strips away the veil and gives the lie to the Bush administration's claim that it's working to clean up the air," said Frank O'Donnell, director of the environmental activist group Clean Air Trust.

**Good riddance, say some**

Scott Segal, a partner at Bracewell & Patterson, a law firm that frequently addresses utility issues, called Schaeffer "an entrenched bureaucrat" primarily concerned about his and his agency's federal funding rather than creative Clean Air Act solutions.

Observers have pointed out that Schaeffer's acceptance of a position with the Rockefeller Family Fund before even leaving EPA speaks volumes of his underlying motives and politics.

Phone calls to the Rockefeller Family Fund regarding Schaeffer's new responsibilities and his promised salary went unreturned as this story went to press.

In addition to criticizing environmental enforcement even in the Clinton era as too lax, the Fund has prominently criticized the Department of Defense for alleged pollution and has called on the Department to factor environmental issues into its activities. The Fund's Web site trumpets its funding of "advocacy campaigns in state capitals and Washington, DC" and its "support for coalitions working to pressure Governors and federal agencies to enforce the law against harmful polluters."

"The Rockefeller Brothers Foundation and Rockefeller Family Fund are among the most radical-left grantmaking entities in the U.S.," observed Heartland Institute President Joseph Bast. "They do not fund sound science, risk analysis, and market-based solutions to environmental problems. Instead, they seem to specialize in subsidizing groups that rely on scare tactics, exaggeration, and anti-business rhetoric ... all the things that have dragged the environmental movement down and to the margins of political debate the past several decades.

"If this is where Mr. Schaeffer's heart and head are, it is a fine thing indeed that he is out of the EPA."

**Clean Air Act disagreements**

Receiving particular attention in Schaeffer's resignation letter were ongoing discussions within the Bush administration about clarifying rules enforcing the Clean Air Act. Democratic lawmakers and several attorneys general of northeastern states threatened hearings and lawsuits as a blueprint of the final rules began to take shape.

The Clean Air Act of 1970, in addition to imposing stringent clean-air requirements on factories constructed after passage of the Act, requires older plants to install modern anti-pollution equipment when they expand their facilities and create new sources of pollution.

Twenty-eight years after passage of the Act, the Clinton administration began interpreting this "new source" provision more strictly than any previous administration. Most importantly, the Clinton administration began interpreting routine factory maintenance as sufficient activity to trigger companies' obligation to install expensive new equipment in preexisting plants.

Dan Riedinger, a spokesperson for the Edison Electric Institute, likened the Clinton interpretation to forcing a car owner who is buying new tires to also buy a new engine. If the same owner bought a new fan belt a week later, and engine technology had advanced during the week, then the owner would have to buy still another new engine as well.

As a result of the Clinton administration's more stringent interpretation of Clean Air Act rules, companies have been reluctant to perform necessary maintenance in their plants. The decline in routine maintenance has led to decreasing efficiency and greater pollution emanating from current equipment.

The Bush administration proposes to codify exactly what types of activities would be considered mere maintenance and what types would trigger new equipment obligations. Democratic congressmen and northeastern state attorneys general are threatening to initiate congressional hearings and launch federal lawsuits if the Bush rules in any way modify the recently imposed Clinton interpretations.

Replied Joel Maness, an executive with Sunoco, "We've been operating under the Clean Air Act for 20-plus years and we thought we were doing everything just right. We're saying tell us what the speed limit is and we'll follow it."

Bill Harnett, an EPA official, agreed. "One of the fundamental problems is that people don't understand what the rules are. That is something we are focused on, to make sure that the changes would help bring some clarity."

Schaeffer favors the more stringent Clinton rules, while Spencer Abraham and the Energy Department prefer the pre-Clinton interpretation. White House officials have indicated the new rules would somewhat relax the standards imposed by Clinton, but by how much is still being discussed.

**Market approach to Clean Skies**

Another focal point of Schaeffer's displeasure is the Bush administration's Clean Skies Initiative. The initiative, announced on February 14, requires cuts in power plant emissions of what EPA calls "the three worst air pollutants" (sulfur dioxide, nitrogen oxide, and mercury) by roughly 70 percent. The initiative is designed to improve air quality using a mandatory but market-based approach.

The Clean Skies Initiative will cut sulfur dioxide ($SO_2$) emissions by 73 percent, from current emissions of 11 million tons to 4.5 million tons in 2010, and 3 million tons in 2018. The initiative will also cut emissions of nitrogen oxides ($NO_x$) by 67 percent, from current emissions of 5 million tons to 2.1 million tons in 2008, and to 1.7 million tons in 2018. Finally, the initiative will cut mercury emissions by 69 percent—the first-ever national cap on mercury emissions. Emissions will be cut from current emissions of 48 tons to 26 tons in 2010, and 15 tons in 2018.

The model for the Clean Skies Initiative is the 1990 Clean Air Act amendments, which provided mandatory pollution reductions under a similar cap-and-trade system. The cap-and-trade approach allows businesses that find ways to reduce pollution beyond their pre-set goals to sell their newly created pollution "credits" to other businesses who come up short on their goals.

However, Schaeffer and other environmental activists have expressed a preference for more rigid standards and more legal confrontation to the cooperative approach of the Clean Skies Initiative.


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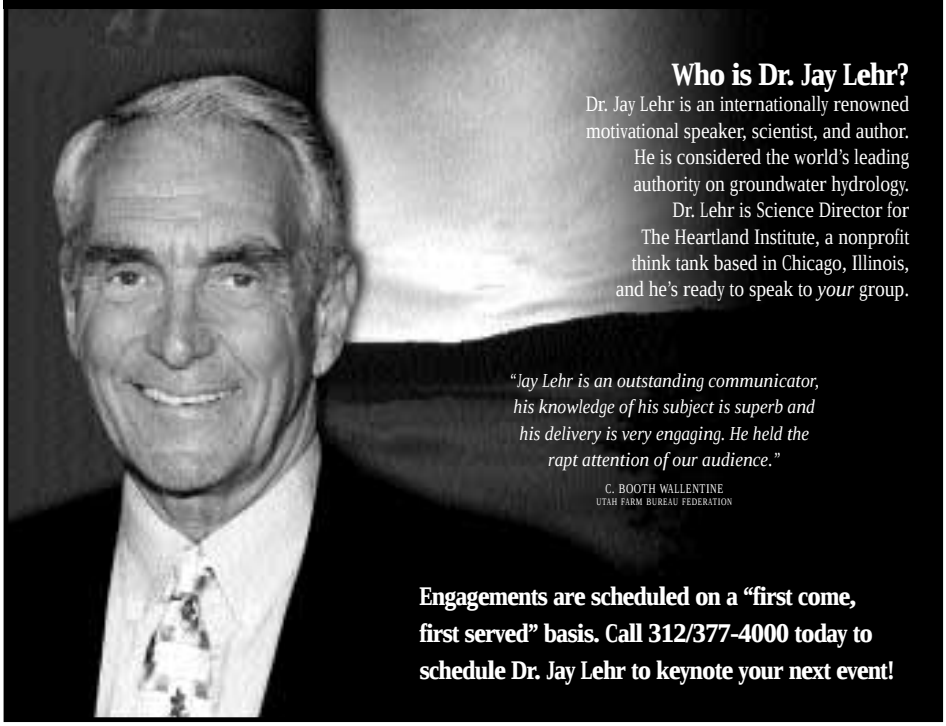

**Who is Dr. Jay Lehr?**

Dr. Jay Lehr is an internationally renowned motivational speaker, scientist, and author. He is considered the world's leading authority on groundwater hydrology. Dr. Lehr is Science Director for The Heartland Institute, a nonprofit think tank based in Chicago, Illinois, and he's ready to speak to *your* group.

*"Jay Lehr is an outstanding communicator, his knowledge of his subject is superb and his delivery is very engaging. He held the rapt attention of our audience."*

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tionships between people's health and the potential causes of health risks.

For example, the behavior of the subjects cannot be prescribed, and their diet, exercise, and other health habits cannot be effectively monitored. Pollution exposure can be estimated only roughly, based on a few regional measurements rather than actual individual exposure. Researchers don't know how much time people spend outdoors, or whether they continue to live and work in the same place after their initial entry into the study.

It is thus difficult to tell in an ecologic study whether observed health outcomes are the result of pollution exposure, or other differences between people who live in high- and low-pollution areas. For example, if it turned out that people in high-pollution areas are more likely to drink or smoke, there's a danger of inadvertently confusing an effect of alcohol consumption or smoking with an effect of pollution. This problem is known as confounding. Other confounders include diet, exercise frequency, income, marital status, "body-mass index" (BMI, a measure of obesity), and educational attainment.

The Pope study researchers accounted for most of these confounders in their analysis. But the factors were assessed only when people entered the study in 1982 and not afterward. If any of these factors changed after 1982, and if the changes were correlated with pollution levels, then the study results would suffer from uncontrolled confounding.

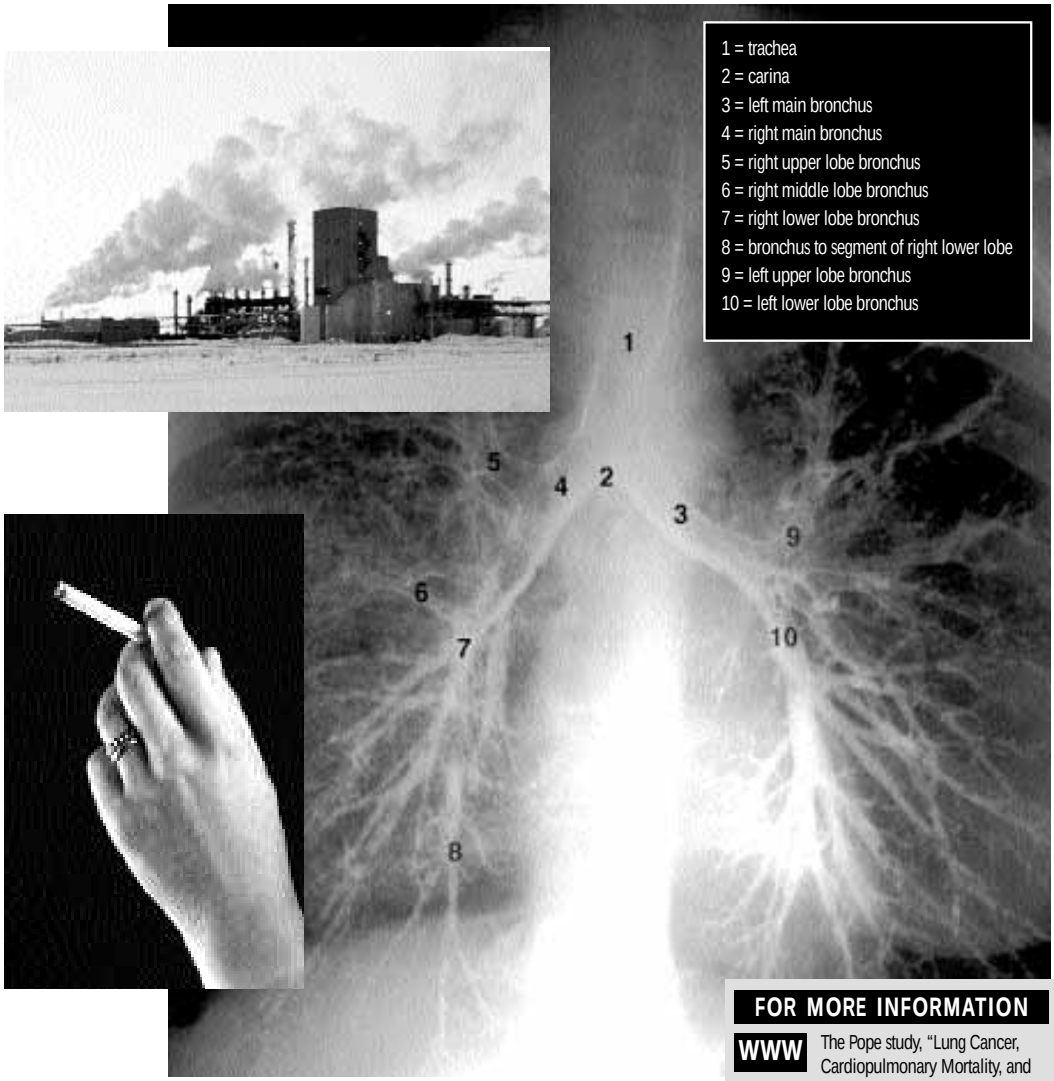
For example, if people in areas with higher pollution were also likely to get fatter between 1982 and 2000 when compared with people in lower pollution areas, researchers could mistake an effect of body weight for an effect of air pollution.

Similar concerns apply to other confounders, such as diet and smoking. For example, if the prevalence of smoking decreased more slowly in higher pollution areas during the last 20 years, then smoking might have actually been responsible for effects the Pope study attributes to air pollution.

**"[I]t's difficult to tell in an ecologic study whether observed health outcomes are the result of pollution exposure, or other differences between people who live in high- and low-pollution areas."**

Because the risks of smoking and obesity are so much larger than the risks the Pope study estimated for fine particulates, even a small difference in smoking and obesity trends between areas with differing pollution levels could swamp the claimed effect of differences in air pollution.

For example, the Pope study found that a 70 percent increase in the concentration of fine, airborne particle levels increases risk of dying prematurely by 6 percent. But for a six foot, 200-pound, non-smoking man, gaining just 15 pounds increases the risk of an early death by 17 percent.




Two other findings in the Pope study suggest the authors' efforts to control for confounding were incomplete. First, the study found particulate exposure increases the risk of lung cancer for men, but not for women. Second, the association of air pollution and either cancer or cardiopulmonary mortality held only for people with a high school education or less.

There are also other potentially confounding factors the Pope study did not assess at all, including income and wealth, and physical activity levels. These factors also have a strong relationship to health and could have changed over time in ways that could cause misattribution of health effects to air pollution when they were actually due to other factors.

**Assumptions aren't always accurate**

While it is very important to determine whether low-level exposure to airborne particles poses a risk to human health, such research must be based on sound assumptions in order to provide valid information about health risks. Nevertheless, the Pope study authors made a number of questionable assumptions that should have steered them away from claiming to have generated the "strongest evidence to date" regarding the relationship between airborne particles and human health.

Regarding exposure, the study's authors assumed that everyone within a zip code was exposed to the same level of particulate pollution, though evidence shows such exposure can vary widely. Not only does exposure vary from place to place in concentration, but it also varies in the chemical composition of the particles.

The authors also assumed people told the truth on the initial questionnaires regarding how much they smoked and drank. But survey researchers have observed people tend to under-report those behaviors. Thus, if the authors used survey responses to account for smoking and drinking, they could be underestimating that risk in their study population.

The authors also assumed health-related behaviors did not change after the entrance survey in 1982. For example, the authors assumed that persons who were nonsmokers when they entered the study never took up smoking. Similarly, they assumed that people who filled out surveys in 1982, and later died in the same area where they originally lived, had stayed there throughout. This problem also applies to other health-related factors, such as change in weight and diet after entering the study.

**Context offers clarity**

The Pope study authors contend the study provides "the strongest evidence to date that long-term exposure to fine-particulate air pollution common to many metropolitan areas is an important risk factor for cardiopulmonary mortality." Media reports were uncritical in repeating the study's findings, giving short shrift to its many limitations.

But even if we take the results at face value, the study greatly exaggerates actual risks, and does a poor job of placing the risk of particulate air pollution into the context of other risks people face.

The study's authors may well have mistakenly attributed to air pollution health risks that are actually caused by other factors. But even ignoring that concern, the study found a rela-

POLLUTION continued at right

**FOR MORE INFORMATION**

**WWW** The Pope study, "Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution," was published in the March 6, 2002 issue of the *Journal of the American Medical Association*. For more information, visit the JAMA Web site at **http://jama.ama-assn.org**

More information on improving air quality in the United States is available in *Clearing the Air*, Indur Goklany, available through Amazon.com at **http://www.amazon.com/exec/obidos/ASIN/1882577833/theheartlandinst**.

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POLLUTION continued

tively small risk from particulates. For example, the study found reducing particulate levels by 60 percent would reduce the risk of dying during a 16-year period by about 6 percent. A six-foot, 215-pound, non-smoking man can achieve the same risk reduction by losing about five pounds; he can get three times the risk reduction by losing about 20 pounds.

The Pope study also found most of the health benefits from reducing airborne particulate levels accrue from reducing particulates down to a concentration in air of about 18 micrograms per cubic meter (mcg/m3). Reductions below this level provided little or no additional health benefit.

But according to the Pope study's pollution measures, all but 2 of 51 metropolitan areas were already below 18 mcg/m3 as of 1999-2000. National fine-particulate monitoring data also show few areas of the country now have particulate levels above 18 mcg/m3. Thus, even if the small additional health risk reported by the Pope study is real, few people are exposed to it.

Ongoing reductions in particulate levels also mean future particulate levels will be even lower, further reducing risk. For example, total particulate emissions dropped 75 percent between 1940 and 1997, while per-capita emissions dropped more than 85 percent. Total particulate levels in air declined about 50 percent between 1960 and 1990, while coarse plus fine particulates declined 19 percent between 1991 and 2000. The health hazards discussed in the Pope study occur only after many years of exposure to elevated particulate levels. Continuing declines in particulate pollution suggest that remaining risks will not persist for long enough to damage health in the future.

**"[T]he Pope study authors made a number of questionable assumptions that should have steered them away from claiming to have generated the 'strongest evidence to date' regarding the relationship between airborne particles and human health."**

**Bang for the buck**

Everyone deserves air that's safe to breathe, and most Americans agree on the importance of improving air quality in places where air pollution is high enough to threaten health. But most Americans also want to know public health resources are going where they'll get the biggest bang for the buck—that is, toward larger, more certain risks, rather than toward small risks that might not even be real.

Exaggerating the public's risk from air pollution is no better than ignoring real air quality problems. If society misspends scarce resources based on inaccurate information, more people will suffer, not fewer.

*Kenneth Green is chief scientist, and Joel Schwartz is senior scientist, of the Reason Foundation's Environmental Program.*

# Recycling: It's a bad idea in New York

BY JERRY TAYLOR

New York City Mayor Mike Bloomberg, desperate to dig the city out of a $4.8 billion deficit, caused a minor uproar recently by recommending the elimination of the city's extravagant recycling program. In doing so, he ripped away the veil on one of the biggest boondoggles of recent times.

Despite flowery promises and earnest intentions, mandatory municipal recycling programs across the United States have proven an expensive economic and environmental flop. Little sustains this odd brand of civic religion beyond the quasi-religious devotion of the Green faithful.

While environmentalists argue recycling was never about saving money, that's little more than revisionist history. Over the past decade or two, you couldn't swing a dead cat within the halls of government without hitting some well-meaning activist carrying on about the economic gains that would accrue to those who mined our garbage for valuable resources rather than bury them in some landfill. New York is but the latest of a growing number of cities that have found the cost of recycling garbage is far, far greater than the costs of simply dumping it.

**Prices tell the truth**

And therein lies an important but overlooked point. Prices are reflections of relative scarcity. Things that have high prices are relatively scarce, and things that have low prices are relatively abundant.

If it costs X to deliver newly manufactured plastic to the market, for example, but it costs 10X to deliver reused plastic to the market, we can conclude the resources required to recycle plastic are 10 times more scarce than the resources required to make plastic from scratch. And because recycling is supposed to be about the conservation of resources, mandating recycling under those circumstances will do more harm than good.

If the wood, sand, or various metals we're supposedly rescuing via recycling were actually in danger of running out, they have a funny way of showing it. Prices for wood and metals are falling—not rising—and have done so for over a century. The same holds true for energy (something else that is supposedly conserved through recycling).

Moreover, it's the energy costs associated with recycling—the additional collection services, shipping costs, and industrial processing necessary to tear apart a newspaper, for instance, into reusable material—that contribute to its high costs.

**The Environmental Protection Agency reported some years ago that 13 of America's 50 worst Superfund sites are or were recycling facilities.**

**Landfill space plentiful, safe**

Likewise baseless is the worry that we're running out of landfill space. If we need more, we can build more. There's plenty of land to go around. Economist Clark Wiseman calculates that a single landfill 15 miles square could handle 1,000 years' worth of our present waste disposal needs.

Nor should we be worried much about the environmental problems associated with landfills. Today's landfills are super high-tech tombs; little gets in and little comes out. U.S. government regulations now ensure that landfills cause only one additional cancer risk every 13 years. And that's assuming worst-case scenarios and assumptions that, according to most risk assessment specialists, probably overestimate the actual risk by 100 to 1,000 times the actual risk. Given the state-of-the-art technology required of modern waste disposal facilities, the environmental health risks are effectively zero.

In fact, recycling is almost certainly worse for the environment than landfilling. After all, the process of extracting usable raw material from a manufactured product is an industrial activity every bit as involved as the process of combining various raw materials to manufacture a product in the first place. Both processes are energy and chemically intensive. And both create waste.

Recycling 100 tons of old newsprint, for instance, generates tons of toxic waste. Is this consequential? Sure. The Environmental Protection Agency reported some years ago that 13 of America's 50 worst Superfund sites are or were recycling facilities.

**If it makes sense, subsidies aren't needed**

Finally, we're constantly told recycling creates jobs. But let's face it: These are miserable jobs at miserable wages, and we've got plenty of those. Moreover, the argument neglects the jobs that aren't being created because New York City is taking $57 million a year out of the economy (actually, about $103 million accounting for the deadweight losses associated with the tax system) to pay for this make-work labor.

Banning farm machinery would create a lot of jobs too, but nobody in their right mind would advocate it. Why, then, do we entertain recycling's brand of that same nonsense?

When recycling makes economic sense, government doesn't have to mandate it or subsidize it. Somebody in the private sector will be happy to pay you for your garbage or, alternatively, charge you less for recycling services than for landfilling services. If people want to recycle regardless—simply because it makes them feel better about themselves—that's their right. But let them spend their own time and money to do it.

*Jerry Taylor is director of natural resource studies at the Cato Institute.*

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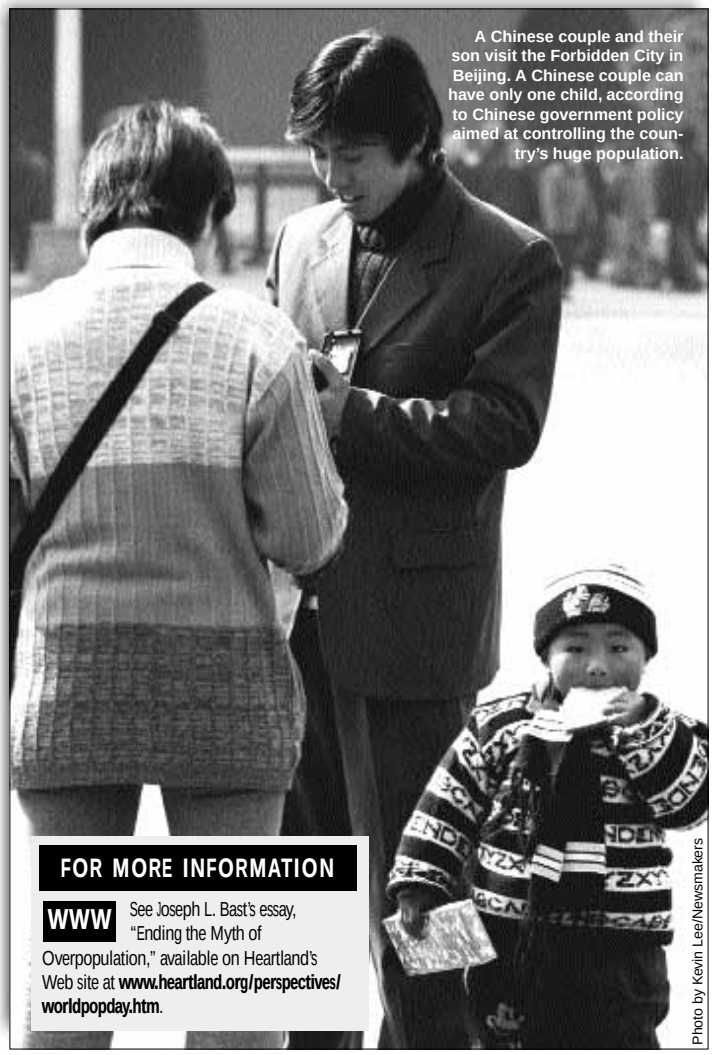
# U.N. study ends overpopulation fears



A Chinese couple and their son visit the Forbidden City in Beijing. A Chinese couple can have only one child, according to Chinese government policy aimed at controlling the country's huge population.

Photo by Kevin Lee/Newsmakers

**FOR MORE INFORMATION**

**WWW** See Joseph L. Bast's essay, "Ending the Myth of Overpopulation," available on Heartland's Web site at **www.heartland.org/perspectives/worldpopday.htm**.

**BY JAMES M. TAYLOR**

On second thought, the world is *not* going to suffer from ever-growing, catastrophic overpopulation in the foreseeable future, according to a new report issued by the United Nations Population Division.

Catastrophic overpopulation has been a controversial yet consistent prediction by many environmental activist groups since the middle of the last century. Although advances in human technology, particularly in regard to food cultivation and medicine, led to phenomenal increases in human life expectancy during the twentieth century, alarmists have warned that the day will soon come when technology cannot keep up with exponential human growth. Whether or not technology would actually be able to do so will apparently become a moot question, according to the U.N.

**Below-replacement fertility now expected**

In its March 11 report, "The Future of Fertility in Intermediate-Fertility Countries," the U.N. Population Division has dramatically reduced its world fertility projections. Instead of an ever-growing world population, the U.N. now concludes, "The state of current knowledge, buttressed by the actual experience of a growing number of countries, suggests that lengthy periods of below-replacement fertility are likely to be common in the future."

Given the advances in medicine and other factors, fertility rates of 2.1 children per woman are necessary to sustain current human population levels. In previous projections, the U.N. noted many portions of the world, including most of East Asia, much of the Caribbean, and most of Europe, were already demonstrating below-replacement fertility rates. In those projections, however, the U.N. predicted fertility levels in such low-fertility countries would eventually rise to 2.1 children per woman. The tendency to gravitate to the fertility replacement number, the U.N. believed, was somehow "hardwired" into the human psyche.

However, decades of below-replacement fertility in those countries have shown that no such rebound in fertility is occurring. Nations that are below replacement level will likely remain there.

As importantly, the U.N. now acknowledges fertility levels in many "intermediate-fertility" countries (those nations with fertility levels of 2.1 to 5.0 children per woman) are dropping more quickly than anticipated. Some of those countries are demonstrating fertility levels a full child lower than had been previously predicted.

> **"Below replacement fertility will lead first to the slowing of population growth rates and then to slow reductions in the size of world population."**

Coupled with the empirical reality that nations that fall below the replacement fertility level have not gravitated back to the 2.1 break-even figure, the U.N. now finds it likely "approximately 80 percent of the world population will be projected to have below-replacement fertility before mid-century."

Finally, the outlook for high-fertility countries is predicted to change dramatically as well. Based on current trends and observations, "fertility in high-fertility countries is generally assumed to decline at an average pace of nearly 1 child per decade starting in 2005 or later." Although some of those countries may not reach below-replacement fertility levels by 2050, they are predicted to do so soon thereafter.

"It seems likely that below-replacement fertility will be common in the future," summarizes the study. "The fertility level proposed, 1.85 children per woman, represents only a modest, but significant deviation from the replacement level. If attained and maintained, below replacement fertility will lead first to the slowing of population growth rates and then to slow reductions in the size of world population."

**Alarmists won't be happy**

"The implications of the proposed guidelines for future fertility in the *2002 Revision* are momentous," the study concludes.

Momentous, indeed, according to many observers. Ben Wattenberg, a senior fellow at the American Enterprise Institute, noted that "environmentalists, the slow-growth crowd, and population-control enthusiasts" preferred the forecasts of exponential human population growth. "The overpopulation crisis was real, inexorable, and growing, they argued. Something had to be done; and they were the ones to do it."

"I suspect that alarmists will be displeased by the new reality-based projections," continued Wattenberg, "seeing it as an attack on their rice bowl."

And in fact, the response from population control groups ranged from displeased to downright denial.

According to World Population Awareness (WPA), "some experts are concerned that the new population projections may discourage the financing of family planning in developing countries by the world's wealthy nations."

"Many experts see risks of overcrowding resulting in famine, spreading disease, other catastrophes, and political unrest," WPA added. "If fertility remained at current levels, the population would reach the absurd figure of 296 billion in just 150 years."

"The rationale for expanding family-planning access still exists," WPA quoted Sally Ethelston, a spokeswoman for Population Action International in Washington, as saying.

While devoting just a single paragraph of its extensive Web site to the U.N. study, WPA nevertheless continued to devote numerous pages to allegations of continuing population growth; alleged environmental harms caused by overpopulation; alleged evils of wealth disparity between rich and poor nations; and the ongoing need for their own fundraising programs.

Similarly, Overpopulation of Earth (OE) ignored the U.N. study and continued to trumpet itself as "the most important Web site on the Internet." Stated OE,

"Overpopulation is the root cause of all environmental deterioration. Global warming, the ozone hole(s!), rain forest destruction, desertification, the 'greenhouse effect,' and all kinds of pollution, weather breakdown, and natural disasters are only symptoms of this already deadly monster. Water shortages, famine, mental breakdown, energy shortages, unemployment, crime and violence, not to mention the collapse of health care, global epidemics, homelessness, wars, new diseases, etc., are all part of this causal relationship."

> **"The cause of world hunger and environmental disasters in the world today is not too many people. It is too much statism. Almost all of the greatest ecological damage of the past 50 years was perpetrated by the socialists behind the iron curtain."**
> **STEPHEN MOORE**

**Malthus is dead**

"These days almost no sane person gives any credence to the population bomb hysteria that was all the rage in the 1960s and 1970s," counters Stephen Moore, director of fiscal studies at the Cato Institute. "Every prediction of massive starvations, eco-catastrophes of biblical proportions, and $100 a barrel oil has been discredited by the global economic and environmental progress of the past quarter-century. Intellectually, the Malthusian limits to growth menace is stone dead."

Adds Moore, "A vote for [population control] is a vote for a fanatical anti-people creed that holds that we should celebrate the planting of a tree, or a litter of three baby seals, but that we should regard the birth of a human couple's third baby in China or India or even the United States as eco-terrorism.

"The cause of world hunger and environmental disasters in the world today is not too many people. It is too much statism. Almost all of the greatest ecological damage of the past 50 years was perpetrated by the socialists behind the iron curtain."

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ECHOSTAR continued from page 1

allow the companies to pool their licenses and bandwidth to provide local network channels, something currently possible in only 40 television markets. The combined company would be able to offer local channels in over 100 markets.

The merger is also important to rural America because it promises to expand access to broadband data services. Less than 5 percent of small towns and rural communities now have access to broadband via digital subscriber lines (DSL) or cable operators. Broadband means faster, more reliable, "always on" access to the Internet, with such applications for farming as field-specific weather, crop modeling, pest alerts, prescriptive irrigation scheduling, and real-time exchange of in-field conditions and remote sensing data.

In a statement announcing the merger plan, EchoStar Chairman and Chief Executive Officer Charles Ergen said the merger would result in "cost savings from the elimination of costly duplicate satellite bandwidth and infrastructure" and enable satellite television "to compete more effectively against the dominant U.S. cable and broadband providers." The combined company would "increase significantly the number of markets served with local channels via satellite, provide additional channel offerings, increase high-definition TV (HDTV) offerings, accelerate the introduction of next-generation high-speed Internet services, and offer nationwide competitive prices."

According to Ergen, "Together, EchoStar's DISH Network and Hughes' DIRECTV can provide a range of services that would bridge the 'digital divide'—providing high-speed broadband solutions to consumers and businesses. Importantly, these services would be available in rural areas otherwise far from the information superhighway at rates which the company is prepared to assure regulators would be competitive."

**Opposition voiced**

Opponents of the merger observe it would reduce the number of options available to many consumers from three (EchoStar's DISH Network, DIRECTV, and cable) to only two (DIRECTV or cable). They contend the merger would give the new company excessive market power against competitors and the ability to raise prices to captive customers.

Rupert Murdoch's News Corporation and groups allied with or funded by the company are leading a lobbying effort to have the Department of Justice and Federal Communications Commission halt the merger on antitrust grounds. Murdoch's News Corporation sells programming, such as Fox News and FX, to both cable and satellite operators. The merger is expected to give News Corporation less leverage in negotiating distribution deals. Murdoch also bid against EchoStar for DIRECTV and lost.

Also opposing the deal is the "Western Caucus," a bipartisan coalition of members of Congress representing primarily Western and rural districts. According to a letter sent to U.S. Attorney General John Ashcroft and Michael Powell, chairman of the Federal Communications Commission, the group's members "have grave concerns that such a merger may increase costs and decrease options for our constituents who want" direct broadcast satellite television service. "The result for rural America," they write, "will be a monopoly with essentially no hope for future entrants."

**The merger defended**

Experts, however, say it is wrong to focus on the loss of one competitor from the marketplace. Instead, policymakers should weigh the increased competitive pressure on cable providers that the EchoStar/DIRECTV merger would bring about.

Harold Furchtgott-Roth, a visiting fellow at the American Enterprise Institute, contends the correct definition of the market affected by the deal is not satellite-based broadcasting, but any means of obtaining video and other types of electronic data, including traditional television broadcasters, cable television, and even videocassette players, DVD players, and broadband services over the Internet.

Malcolm Wallop, a former U.S. Senator from Wyoming, says he has seen the positive impact a strong satellite industry can have on cable and telephone companies that otherwise enjoy a "cozy monopoly" in many rural areas. In an essay published in the *Rocky Mountain News* in late January, Wallop wrote, "The satellite industry has a strong track record of serving rural areas, not with promises but with programming. This is especially true in the West. Satellite providers deliver service in areas other companies literally won't go near."

The proposed merger, according to Wallop, "would be a competitive shot in the arm for the whole pay-TV market.... The competition from satellite put the heat on cable providers to roll out new services for customers, including digital broadband services. That's how a competitive free market is supposed to work." He goes on to call the proposed merger "a winner for everyone," and for many rural areas of the West, "the only affordable ticket to the digital future."

Similar reasoning has led the American Farm Bureau Federation to urge Congress to allow the merger to go through. (See the letter on this page.)

Fear that the combined company would use its dominance in the satellite arena to raise prices is further relieved by EchoStar and DIRECTV 's pledge to continue to offer uniform, nationwide pricing for television programming, which means rural customers would benefit from competitive pricing occurring in urban settings. The merger makes such a pricing system easier to maintain, with obvious benefits for rural residents.

Murdoch's opposition to the merger seems founded on self-interest and not an altruistic concern for the public's best interests. Murdoch's News Corporation would likely emerge as the winner in a second round of bidding for DIRECTV if regulators were to forbid the merger with EchoStar. As EchoStar's Ergan told *The New York Times*, Murdoch's "agenda is to scuttle the merger and pick up Hughes for cents on the dollar."

Murdoch also recognizes that the stronger negotiating position of EchoStar/DIRECTV means lower profits for providers of programming such as News Corporation. This is only partly because EchoStar and DIRECTV will no longer bid against one another for desirable programs. The new company is in a much stronger position to secure programming from competitors of News Corporation, as demonstrated by an agreement between EchoStar and Vivendi Universal announced just two weeks after the merger application was submitted to the FCC.

Technology experts Wayne Crews and Adam Thierer, both at the Washington DC-based Cato Institute, say regulators should approve the merger. "It will take vast resources to build the broadband networks of tomorrow, and mergers on an unprecedented scale will be part of the market processes required to make it happen," they write. "The regulatory mentality that seeks to mold the communications marketplace to fit its own misguided vision will simply discourage investment in crucial new facilities-based networks."

*Joseph L. Bast is president of The Heartland Institute, publisher of Environment & Climate News.*

**"If the [EchoStar/DIRECTV merger] is approved by state and federal authorities, ... [t]he combined company would start with ... about 91 percent of the satellite television market, though only 17 percent of the pay-television market, which includes both satellite and cable delivery."**

## Farm Bureau Endorses Echostar-DIRECTV merger

**Dec. 27, 2001**

**To Members of Congress:**

The American Farm Bureau Federation believes that the proposed merger between DIRECTV and EchoStar Communications will provide great benefits to rural America, making broadband services available to millions of rural residents and expanding local broadcast coverage.

The proposed merger will help make the first broadband satellite telecommunications system a reality for many rural areas starved for high speed Internet access. As noted in the joint study by the National Telecommunications and Information Administration (NTIA) and the Rural Utility Service (RUS), *Advanced Telecommunications in Rural America*, April, 2000, less than five percent of small towns and rural communities have access to the two dominant broadband technologies offered by local exchange carriers and cable companies, while each of those technologies are available to more than half of all cities with more than 100,000 in population.

That same report specifically points to the potential of satellite technology as an essential element of bringing broadband to many rural and high-cost areas: "Satellites may therefore be an attractive alternative for remote locations that cannot be economically connected via other last-mile technologies. These systems are not constrained by distance and offer the opportunity to leap directly to broadband service without upgrading existing terrestrial communications infrastructure." If the merger is approved, the combined entity will have the ability to deliver high speed Internet access via satellite to virtually any rural resident.

Farmers, ranchers, small businesses and rural residents, in general, live in circumstances where weather and news are an essential part of their everyday lives. Rural residents rely upon local broadcasters to keep them informed, especially regarding the weather. This proposal will significantly advance the goal of delivering local-to-local broadcasting to more rural markets. The spectrum efficiencies achieved by combining the capacity of EchoStar Communications and DIRECTV will enable the combined entity to deliver local broadcast signals to more than 100 markets—a significant expansion of today's circumstances where only about 40 local markets are able to receive local-to-local broadcast signals via satellite.

For these reasons, the American Farm Bureau Federation believes that the proposed merger is good for rural America. It will help revitalize rural communities and small businesses and improve the quality of life of American farm and ranch families.

**We urge you to support the EchoStar-DIRECTV merger.**

**Bob Stallman**
President
American Farm Bureau Federation

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# Expect future global warming to be "minuscule"

*Managing Editor's note: The following letter to the editor, reprinted here with permission, was submitted to the IEEE Spectrum (Forum) in response to "Capturing Climate Change," a review paper on global warming written by Tekla S. Perry and published in the January 2002 issue. IEEE is the Institute of Electrical and Electronics Engineers, Inc. Giger is an IEEE fellow.*

**BY ADOLF GIGER**

I was disappointed that the review paper on global warming did not mention the most important experimental data related to global warming, namely the temperature measurements of the lower troposphere that have been made by Tiros-N satellites over the past 23 years.

These are the only precision measurements of global temperature available for direct comparison with temperature predictions from computer climate models, the so-called General Circulation Models (GCM).

Twice a day the 53.74 GHz microwave radiometers in the Tiros satellites, working at the lower end of the 60 GHz oxygen absorption line, cover the whole Earth, measuring and averaging the temperature of all the oxygen molecules in the lower troposphere from the surface up to about 8 km, with maximum weighting at 5 km. This is the same region modeled by the GCMs. The accuracy of the radiometer measurements is 0.01° C, which is considerably better than the accuracy of thermometer measurements made on the surface of the Earth.

**"If we use linear extrapolation, the temperature increase over the next 100 years will be 0.26° C, which would be a minuscule amount of global warming."**

The monthly lower tropospheric temperature averages are available from the NASA Web site, http://science.nasa.gov/newhome/essd/essd_strat_temp.htm, beginning with January 1979. The monthly averages may fluctuate by as much as 0.5° C, but linear regression gives a temperature increase of only 0.08° C over the 23-year measuring period. The proponents of global warming attribute this to the increase in the manmade greenhouse gas carbon dioxide .

The greenhouse effect is the phenomenon where infrared radiation (heat) emanating from the Earth's surface is absorbed by greenhouse gases, mainly water vapor and carbon dioxide, which make up less than 1 percent of all atmospheric gases. This effect makes our planet inhabitable by warming the Earth's surface about 33° C , of which 32° is due to water vapor and 1° C due to carbon dioxide.

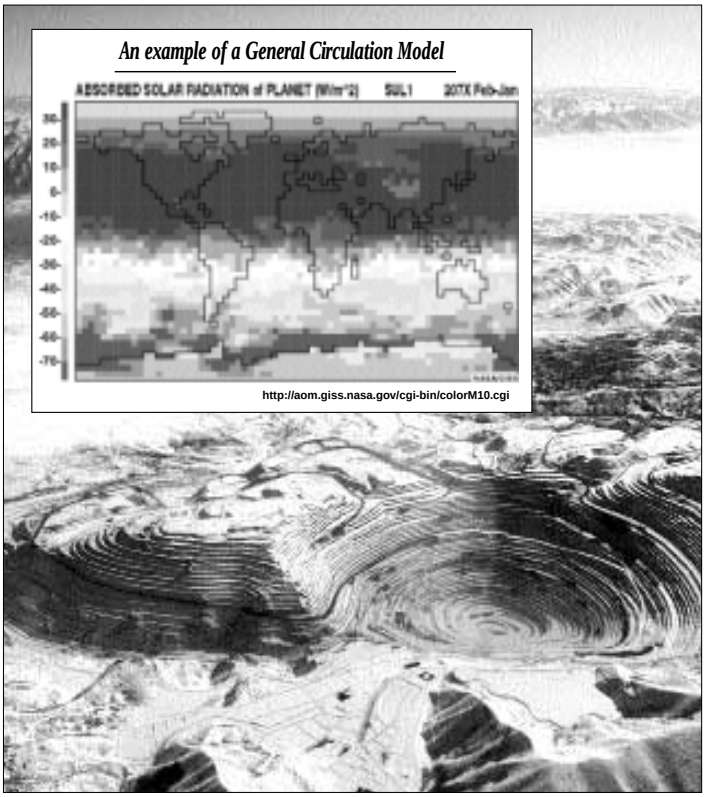
The satellite measurements indicate that this temperature has increased by 0.08° C over the past 23 years. We also know that the carbon dioxide content in the atmosphere has gone up by 9 percent over the same period of time, which would explain a temperature increase of 0.09°C (9 percent of 1° C), very close to the measured value of 0.08° C.

Also, according to the climate models, the temperature increase at the surface of the Earth should be about 23 percent less, or 0.06° C. If we use linear extrapolation, the temperature increase over the next 100 years will be 0.26° C, which would be a minuscule amount of global warming.

The latest results from computer models, contained in the 2001 report of the International Panel on Climate Change (IPCC), are in conflict with the above results since they give a surface increase of 0.5°C over the 1979 to 2001 period, and an estimated increase of 1.4° to 5.8°C by the end of the century. This huge discrepancy may be due to the GCMs not including or accurately describing all the underlying physical phenomena, and/or by uncertainties in the physical input variables.

If these GCMs are used to attack the even more difficult problem of local, regional, or temporal temperature behavior, their results have to be judged again by how well they duplicate the precision measurements made by the Tiros satellites.

Finally, temperature measurements using thermometers on the surface of the Earth indicate an increase of 0.5° C over the recent 23-year period, compared to the 0.06° C obtained from satellite measurements. It is possible that the surface thermometer measurements are real, thus indicating a possibility for global warming, but the true causes are not known and cannot be due to carbon dioxide. It may also be the case that the thermometer data are inaccurate due to non-uniform global data gathering, urban heat-island effects, differences in calibration, and general reliability problems.


An example of a General Circulation Model
ABSORBED SOLAR RADIATION at PLANET (W/m**2)
http://aom.giss.nasa.gov/cgi-bin/colorM10.cgi

# *Ice shelf break-up caused media circus*

**BY JOHN DALY**

The panic mongers, from CNN to the Australian Broadcasting Corp. (ABC), are in full cry. An ice shelf, "Larsen B," on the eastern side of the Antarctic Peninsula, has broken up into a mosaic of smaller icebergs.

The ABC incorrectly claimed the Antarctic had warmed 2°C during the last century. Wrong! Only the 2 percent of the Antarctic poking out into the Southern Ocean—the part where this ice shelf is located—warmed. The other 98 percent has actually been cooling and accumulating ice.

**"All ice shelves that project themselves out into open water must break up eventually, simply due to contact with the warmer water and the tidal stresses. It's evolution."**

Then the ABC claimed "scientists" blamed it all on "global warming." The ABC gave a filmed comment by one just to prove its point: the British Environment Minister! So environmental politicians are now regarded as scientists?

On March 20, the West Australian newspaper claimed, "The scientists were reported as being 'astounded at the speed of the break up.' 'It is hard to believe that 500 million billion tonnes of ice sheet has disintegrated in less than a month,' the scientists are quoted as saying."

Which "scientists"? We don't know. But a floating ice shelf is like the crust of the Earth floating on the Earth's plastic mantle. Stresses build up, cracks open, and all of a sudden out of the blue ... earthquake! When the quake happens, it is sudden and catastrophic. No "scientist" should find it "hard to believe" that an ice shelf would behave any differently given the similar dynamics involved.

The Larsen break-up has been coming for years, and its demise has long been expected. An "ice shelf " is simply a glacier that reaches down all the way to the coast and then spills out over the sea, pushing its way further and further from land, floating on the sea, until tidal forces, water erosion from beneath, and sunlight from above finally weaken the floating mass and it breaks off. It's dramatic and happens on a grand scale ... but it's also very, very, natural.

It happens all the time.

This one is bigger than most, that's all. But that does not stop the media circus from attaching this event to "global warming," even though the British Antarctic Survey says it is premature to attribute warming in the Peninsula to an enhanced greenhouse effect.

According to a BBC report, "As far as global implications are concerned, there are few as far as the present event is concerned." Which is about right, as there will be no sea level rise resulting from the break-up of this ice shelf because the ice was displacing its own weight anyway as it was floating on the sea. Since the warming of the Peninsula is a purely local anomaly, it too has no global significance beyond the immediate effect this may have on the local environment. Yahoo News, in a story titled "Cool and Warm," also took a more balanced view of the event.

The Peninsula is only a tiny part of the whole Antarctic (part of it is not even within the Antarctic Circle), and recent studies show that the great mass of the Antarctic is cooler and amassing, not losing, ice. All ice shelves that project themselves out into open water must break up eventually, simply due to contact with the warmer water and the tidal stresses. It's evolution.

Or perhaps the greenhouse industry has forgotten about evolution—not just of living things, but of the whole Earth. Where did they get this idea that natural evolution events must now stop and all new events be blamed on mankind's activities?

*John Daly is the author of* The Greenhouse Trap *(Bantam Books, 1989) and many articles and papers in popular and professional publications. He hosts the "Still Waiting for Greenhouse" Web site at www.john-daly.com.*

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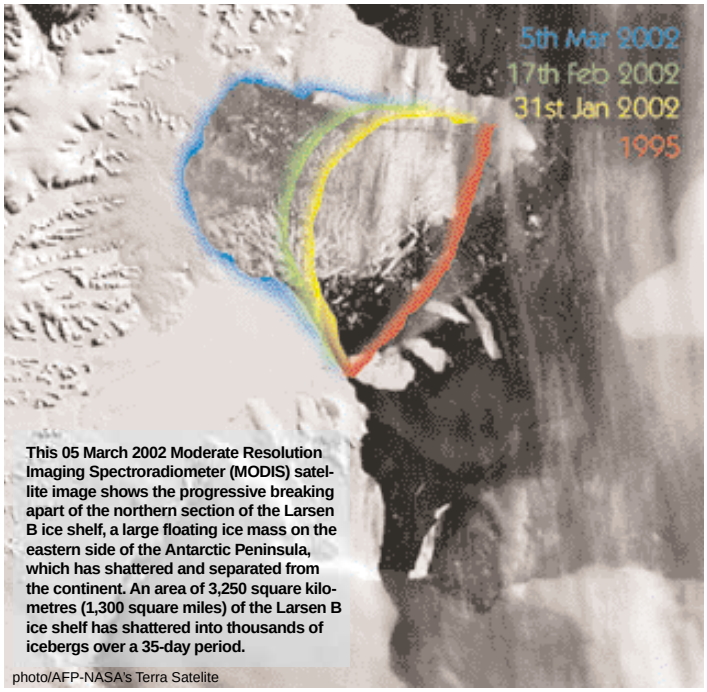



**This 05 March 2002 Moderate Resolution Imaging Spectroradiometer (MODIS) satellite image shows the progressive breaking apart of the northern section of the Larsen B ice shelf, a large floating ice mass on the eastern side of the Antarctic Peninsula, which has shattered and separated from the continent. An area of 3,250 square kilometres (1,300 square miles) of the Larsen B ice shelf has shattered into thousands of icebergs over a 35-day period.**

photo/AFP-NASA's Terra Satelite

**ICE continued from page 1**

Colorado's National Snow and Ice Center, told the *San Francisco Chronicle* on March 20, "We can't say that CO2 or the other greenhouse gases have been dive bombing Antarctica, but we have our suspicions."

Michael Oppenheimer, who recently joined the Princeton University faculty after serving at Environmental Defense, where he was chief scientist and held the Barbra Streisand Chair in Environmental Studies, told the *Washington Post*, "Ascribing a temperature trend in a small region like that to the broader global trend is difficult. Nevertheless, the collapse of the ice shelf in my opinion can be partially ascribed to human-induced climate change."

### Warming or cooling?

To its credit, the *Washington Post* noted *Nature* recently published a study that found the Antarctic has actually been cooling since 1966. Another study in *Science* recently found the West Antarctic Ice Sheet has been thickening rather than thinning. (See "New studies throw cold water on warming theory," *Environment & Climate News*, March 2002.)

Although the Antarctic Peninsula has warmed over the past 50 years, it is a tiny part of the whole Antarctic continent. Unless one is willing to believe the peninsula is responding to global warming while ignoring regional cooling, it becomes very difficult to link the ice shelf collapse to global warming.

The study in *Nature* found the Antarctic has been cooling for some time now, contradicting the findings of the climate models upon which the case for global warming is built. Those models predict the Earth's poles will warm more rapidly than the rest of the Earth.

According to the study, "Climate models generally predict amplified warming in the polar regions, as observed in Antarctica's peninsula region over the second half of the 20th century." The study finds, "Our spatial analysis of Antarctic meteorological data demonstrates a net cooling on the Antarctic continent between 1966 and 2000, particularly during summer and autumn." The McMurdo Dry Valleys, for example, have cooled about 0.7 degrees Celsius per decade during this period of time.

The authors conclude, "Continental Antarctic cooling, especially the seasonality of cooling, poses challenges to models of climate, and ecosystem change."

The research into the continent's temperature record was motivated by the unexpected coldness of the summers, according to lead author Peter Doran with the Department of Earth and Environmental Sciences at the University of Illinois. "Two or three years ago when we were waiting for the big summers, we noticed that they didn't come," Doran told the *Washington Post* on January 14. "We were thinking that warm summers were the norm, and we were saying, 'It's going to get back to normal,' but it never did."

Michael Oppenheimer, chief scientist for Environmental Defense, isn't buying it, however. "I'd be very careful with this," he told the *Washington Post*. "My general view has been that there's simply not enough data to make a broad statement about all of Antarctica."

Of course, lack of data has never stopped Oppenheimer from making "broad" statements about the whole Earth. In a November 2000 Environmental Defense press release he stated, for instance, "The 1990s, likely the hottest decade of the past thousand years, capped decades of shrinking glaciers, thinning Arctic ice, intensifying rainstorms, and rising seas." According to Oppenheimer, that means "The world must end its dependence on fossil fuels that are too dirty and too expensive. Governments must take action now."

### Antarctic ice sheet thickening

The study in the January 18 issue of *Science* concluded that the West Antarctic Ice Sheet (WAIS) is thickening, rather than thinning as was previously thought. Earlier studies found that in the Ross Sea Sector, "The grounding line (the point where the ice sheet loses contact with its bed and begins to float) has retreated nearly 1300 km along the western side of the Ross Embayment," since the last glacial maximum.

This led researchers to predict that the entire WAIS would collapse in 4,000 years, implying a sea-level rise of 12.5 to 15 centimeters per century. This was based on a measurement of a loss of ice mass of -20.9 +/- 13.7 gigatons per year.

The authors of the *Science* study, Ian Joughin and Slawek Tulaczyk, with the Jet Propulsion Laboratory at the California Institute of Technology, note, "The ice-discharge estimates of earlier studies relied on relatively sparse *in situ* measurements of ice-flow velocity. For some ice streams the ... estimates were based on only one or two velocity measurements."

The Joughin/Tulaczyk study used satellite remote sensing to get better measurements. Contrary to earlier studies, the authors found "strong evidence for ice-sheet growth (26.8 +/- 14.9 gigatons per year)." They conclude, "The overall positive mass balance may signal an end to the Holocene retreat of these ice streams."

**"Unless one is willing to believe the peninsula is responding to global warming while ignoring regional cooling, it becomes very difficult to link the ice shelf collapse to global warming."**

### Conclusions

The *Nature* and *Science* research provide further evidence the climate models are poor tools for predicting climate change. They cannot properly simulate the current climate. They predict greater and more rapid warming in the atmosphere than at the surface, yet the opposite is happening. Moreover, they predict amplified warming at the poles, which are cooling instead.

What, then, is the most likely explanation for the break-up of the ice sheet? As John Daly says in the commentary on page 8, "The Larsen break-up has been coming for years, and its demise has long been expected. ... It's dramatic, happens on a grand scale, but also very, very, natural."

*Paul Georgia is an environmental policy analyst at the Competitive Enterprise Institute and editor of "Cooler Heads," a biweekly newsletter covering the political, economic, and scientific aspects of the global-warming debate. This article is based on newsletters he wrote on January 23 and March 20.*

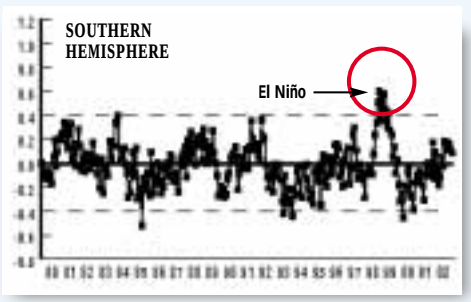
# EARTH TRACK

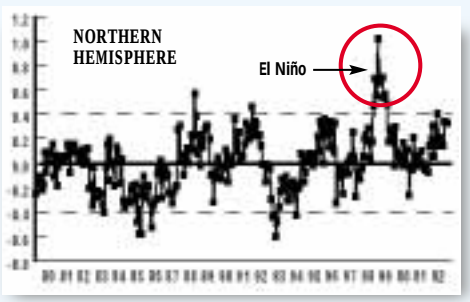
## MARCH 2002

The global average temperature for March, shown on page 1, was 0.21˚C above normal. The Southern Hemisphere's temperature departure, shown below, was 0.08˚C above normal; the Northern Hemisphere's, below right, was 0.33˚C above normal.

*Each month,* Earth Track *updates the global averaged monthly satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses.*

Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C.




**The data used to create these graphs can be found on the Internet at *http://vortex.nsstc.uah.edu/data/msu/t2lt/t2ltglhmam.d.***

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# Court defends property rights, narrows the scope of ESA

BY TOM JACKSON KING

It took a quarter of a million dollars and three years, but rancher Jeff Menges and the Arizona Cattle Growers' Association (ACGA) have won a major ruling on how cattle grazing can occur on federal public lands in Arizona.

On December 17, the Ninth Circuit Court in San Francisco ruled three to zero that the Bureau of Land Management and U.S. Forest Service could not prohibit cattle grazing on public lands designated as "critical habitat" for endangered species, but where there is no sign any endangered species is currently living on the federal land.

"We're really pleased with the outcome of the ruling," Menges said in an interview with the *Eastern Arizona Courier*.

"I think the ruling narrows the scope of the ESA and when it can be applied. I think the Clinton administration had it way pulled to the left and this will help pull it back to the center," he said.

### "Incidental take" statements wrongly issued

"They were implementing the ESA illegally. They were issuing incidental take statements when the species weren't even present," Menges said.

When someone uses federal land under permit, the federal agency is required to review the possible environmental impact and endangered species impact of the proposed use of public land. Agencies like BLM and USFS sometimes allow grazing on parcels subject to a finding of an "incidental take" or killing of an endangered species, subject to a promise of behavior changes by the allotment user.

**"[T]he Bureau of Land Management and U.S. Forest Service [cannot] prohibit cattle grazing on public lands designated as 'critical habitat' for endangered species, but where there is no sign any endangered species is currently living on the federal land."**

"The take statements just kill you," Menges said. "The prescription can include cattle reduction or cattle removal. Even though the species weren't present, they said you would be taking if the cattle were in the river even when no razorback suckers were present."

Menges said the ACGA's costs for pursuing two legal challenges, one against BLM and one against USFS, have been "between $200,000 and $250,000."

The ACGA challenged the federal interpretation of the Endangered Species Act because, according to Menges, it shut off access to about 400,000 acres of federal public land from cattle grazing. The cattle growers hope to recover most of their legal costs in challenging what Menges called an illegal interpretation of the ESA.

"Hopefully we can recover part of it. It would be from the Forest Service, BLM, and U.S. Fish and Wildlife Service, the government agencies. We will go back to the courts and ask for our attorneys fees," he said.

Menges said he attended the December 17 hearing in San Francisco where the unanimous decision was rendered.

"We think the ruling was right on with the law. We were really pleased with the reversal of the Cow Flat Allotment in Greenlee County, which belongs to Bill and Barbara Marks. There are loach minnows on part of that, but there wasn't any proof livestock would injure them," he said. "They (the judges) said there has to be a causal connection, something that causes death or injury, before there is death or injury" under the Endangered Species Act.

Menges said the federal agencies were claiming an "incidental take" of endangered species—meaning the death of protected animals—because even though no such animals were present in the allotments, they might become present in the future, some of the land was designated as critical habitat for various fish species, and even upland cattle grazing might cause lowland problems by increased runoff and siltation into the Blue River, Eagle Creek, and other waterways in southeastern Arizona.

That worry is what prompted the Southwest Center for Biological Diversity, based in Tucson, to file a lawsuit in 1997 against BLM and the Forest Service claiming the agencies were not properly enforcing the Endangered Species Act in incidental take episodes. When the agencies revised their grazing allotment rules to consider hypothetical losses of protected species, Menges said ACGA filed its own court challenge.

"We felt we had no choice but to challenge it," he said.

### Habitat loss called "most important harm"

Martin Taylor, coordinator of the grazing reform program for the Center for Biological Diversity, defended the agencies in their view that animals were harmed even when not present.

"The harm standard may make legal sense but it makes no biological or scientific sense because it demands pretty much to find a dead animal trampled by a cow to meet the standard," he said. "The standard ignores the most important source of harm facing most endangered species, which is habitat degradation. Habitat loss need not kill animals directly. It usually prevents them from feeding or breeding at all."

**FOR MORE INFORMATION**

WWW ACGA's Web site is located at **www.arizona beef.org.**
CBD's Web site is located at **www.biologicaldiversity.org.**

The very absence of a species from otherwise suitable habitat, to a biologist, is an indication of ongoing harm due to habitat degradation. Following the narrow legal standard, however, this is called "no effect,'" Taylor said.

"The Fish and Wildlife Service needs to focus its attention on critical habitat designation, for which the standard of harm is stronger and sounder biologically. The law requires agencies to avoid degradation of designated critical habitat. This should finally convince the service that endangered species need their critical habitat and they need it as soon as possible," he said.

William Civish, field manager for the Safford BLM Field Office, said more than a year ago that his agency has worked to control cattle impact on endangered species.

"Over the last 20 years, we've worked with the grazing community to move cattle out of the bottom and into the uplands (around the Gila Box Riparian Area). Ten of the ranchers who graze the riparian corridor have voluntarily removed their cattle out of the river bottom," Civish said.

Menges is the president of the ACGA. He raises about 500 head of cattle on giant ranches in Graham and Greenlee counties. Most of the grazing acreage he uses is leased from BLM.

He said grazing cattle on public land and saving endangered species are not mutually incompatible.

"If the law were implemented properly, 90 percent of the Endangered Species Act problems with cattlemen in the state would go away," he said.

*This article first appeared in the* Eastern Arizona Courier *in Safford, Arizona. Tom Jackson King is its managing editor.*

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photo/German Gallego

# Protecting wetlands, destroying freedom

BY JOSEPH L. BAST

Anti-business groups, smart-growth advocates, anti-market environmentalists, and NIMBY (not in my backyard) activists are organizing around the country to back state legislation to "protect wetlands" in the wake of a U.S. Supreme Court ruling that limits the federal government's authority over wetlands.

In Illinois, for example, the Openlands Project is asking its supporters to lobby for the Wetlands Protection Act, a bill pending in the Illinois House. The legislation is necessary, the action alerts says, because "many of [Illinois'] remaining wetlands are now vulnerable after a United States Supreme Court decision eliminated federal protection over them."

Oh really?

The court decision at issue, *SWANCC v. U.S. Army Corps of Engineers*, handed down on January 9, 2001, found the Corps had over-reached its statutory authority to regulate "navigable waters" by attempting to stop development of land adjacent to wetlands and seasonal ponds that were plainly not navigable. Federal authority to protect wetlands on federal land and adjacent to rivers and lakes remains intact.

The court's decision did not leave wetlands in Illinois or other states unprotected. Land use historically has been regulated by private property rights, markets, tort law (laws concerning trespass and nuisance), and local governments. These four institutions contain all the rules and incentives necessary to protect the environment and ensure that one person's use of his land does not interfere with his neighbor's same right.

Anyone who owns a home or commercial property manages that property with an eye toward its resale value. We personally suffer a financial loss, either at the time of sale or when we attempt to tap the value of the property as collateral for a loan or line of credit, if we fail to properly maintain it. The same is true with recreational, scenic, or ecological value to others. Hundreds of millions of acres of forests and wetlands in the U.S. are protected by private property owners so they can be enjoyed by current and future generations.

If our land use activities interfere with the right of our neighbors to enjoy their property, we can be sued and forced to change our conduct, pay for the damage we've caused, or both. In cases where development of wetlands might cause flooding or other problems for nearby properties, recourse can be had through local planning authorities as well as the courts.

Private ownership of property also ensures that valuable wetlands and other natural sites are preserved voluntarily, by those who value them, rather than via the roulette wheel of politics. Private ownership works because it ensures that the costs and benefits of development are borne or enjoyed by those responsible for making the decisions. If the authority of government is needed at all, it is best exercised locally, by elected officials who are more accountable to voters and more likely to have knowledge of local facts and opportunities than state legislatures or federal bureaucracies.

The Wetlands Protection Act is a radical departure from this liberty-based system of private ownership and local governance. It would authorize the state to impose a fee of $1,000 per acre being developed, require buffers of at least 50 feet between development and a wetland, and demand at least 1.5 acres of wetlands be created or restored for every one acre developed.

**"A year ago, the U.S. Supreme Court struck a blow for property rights. State governments should not be allowed to undo this small victory."**

These rules assume that someone other than the individual land owner actually "owns" the property, and therefore has the right to decide how to use it. There is a name for this doctrine of "social" property rights: feudalism. It prevailed in Europe for many centuries, discouraging trade and commerce and elevating privilege over individual freedom. It was finally overthrown in the 17th century by the doctrine of natural rights, which held that private property is so important to individual liberty that it must remain outside the control of the state. The doctrine of natural rights is enshrined in the Declaration of Independence.

The folks who are backing these Wetlands Protection Acts may enjoy dreaming that the environment can be protected by taking rights away from private property owners and giving them to the state. But the history of feudalism and more recently the former Soviet Union demonstrate that "social" property does not work. People do not invest in maintaining property they do not own, and people who do not bear the consequences of errors do not make decisions wisely. Violating private property rights disrupts the incentives and undermines the basic freedoms that made us a prosperous country.

A year ago, the U.S. Supreme Court struck a blow for property rights. State governments should not be allowed to undo this small victory.

*Joseph Bast is president of The Heartland Institute.*

# *Utah Senate strikes back at frivolous environmental suits*

BY JAMES M. TAYLOR

Utah legislators may have found an answer to the mountains of environmental lawsuits filed against federal, state, and local governments each year.

The state senate on March 6 passed Senate Bill 183, allowing ranchers, miners, and oil developers to file countersuits and recover damages against persons or organizations who delay projects on state or federal lands through "improper" litigation. Permissible damages include lost wages, legal costs, attorney fees, and lost economic benefit.

Senators supporting the bill were particularly motivated by frequent lawsuits filed by the Southern Utah Wilderness Alliance, which routinely challenges federal decisions to grant mining, oil, and grazing permits, and the Sierra Club, which also challenges many local land uses.

In addition to empowering individuals to countersue environmental activists, the senate authorized $140,000 to hire an attorney to defend rural citizens in a number of suits brought by the federal government and environmental activist groups.

Heidi McIntosh, issues coordinator for the Southern Utah Wilderness Alliance, criticized the legislative action.

"Despite the fact that Utah has one of the most beautiful landscapes in the world, there is anti-environmental legislation passed year after year that wastes taxpayers' money," said McIntosh. "They are shooting themselves in the foot. They need to wake up and understand that the (environment) is bigger than them [sic]. In cases that target public lands, it is owned by all Americans and cherished by all Americans."

**"The [Utah] state senate on March 6 passed Senate Bill 183, allowing ranchers, miners, and oil developers to file countersuits and recover damages against persons or organizations who delay projects on state or federal lands through 'improper' litigation."**

In other legislative action this term, lawmakers passed a mixed bag of laws concerning environmental issues:

- Lawmakers passed legislation protecting farmers from being removed from their farms by people building nearby homes and then filing nuisance suits against the farmers based on typical farm odors. "People will just have to live with it," said Senator Leonard Blackham (R-Moroni), who supported the farmers.
- The Army Corps of Engineers was denied a permit exemption that would have allowed it to ship low-radiation material to a waste facility in Tooele County. While sparing the state the storage of some low-radiation material, the legislation will cost the county and state a combined $800,000 in lost revenue.
- Lawmakers stiffened penalties against anybody who attacks a business engaged in the production or sale of animal products.
- Two proposed dams on the Bear River were scuttled in response to environmental protests. The dams were central to the state's future water-delivery plans, but were targeted for elimination in legislation supported by the Utah Rivers Council (URC). The URC argued it was improper to flood 15 miles of farms, ranches, wetlands, and Shoshone burial grounds.

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# Smart-growth group pushes tough new land-use controls

## *Planners aim for centralized state control of land-use policy*

BY JAMES M. TAYLOR

The authority and rights of local governments and individual citizens may be restricted by tough new land-use controls spelled out in a 1,450-page legislative guidebook published by the American Planning Association.

The publication, *Growing Smart Legislative Guidebook*, urges the forfeiture of local decision-making authority to regional, state, and federal bodies. Copies of the *Guidebook* are being delivered to state and local legislators across the country.

**Picture me this**

"Picture two metropolitan regions of the United States in the not-so-distant future," urges the *Guidebook*. Under one scenario, freedom of choice by local governments and individual citizens is painted as destructive to the public good. "Hoping to attract a large commercial or industrial development, they mortgage their future by offering tax incentives they cannot afford," warns the *Guidebook*. Enlightened city leaders would like to set aside all the best, most visually enticing land, "but the elected officials in the region worry about the costs of acquisition and the loss of property taxes." Small, old towns experience a burst of new growth, such that "every place looks like every other place."

In the other scenario, government planners have stepped in to tell local communities and their individual citizens how they can and cannot use their property. "The region's governments pride themselves on their willingness to plan for the general good." Taxes taken from one community (usually suburban) are given to another (usually urban), so "no local government feels pressured to accept a business at a site that is not optimal or on terms that are not in the public interest." Cities and suburbs become one and the same. People in the centrally planned community are prodded to give up the freedom of their automobiles to instead commute by bicycles, buses, and trains, which are championed as "quicker, cheaper, and safer than automobiles."

The most desirable pieces of property would be reserved for local wildlife. "The region's leaders also initiated a long-term plan to purchase, in advance of development, scenic viewsheds that have been identified, mapped, and protected." People are no longer allowed to enjoy wide open spaces, as "growth has been carefully planned in the region to avoid prime agricultural lands, which benefit from a comprehensive farmland preservation program that relieves the pressure to develop them." Hard work and economic accomplishment no longer give parents the right to raise their families in a quiet, suburban setting, as "the region's leaders have recognized an obligation to ensure that affordable housing is dispersed across the metropolitan area."

> **"The authority and rights of local governments and individual citizens may be restricted by tough new land-use controls spelled out ... by the American Planning Association."**

According to the *Guidebook*, legislators must act now to eliminate the first of the two scenarios and implement the second. Suburban communities, the *Guidebook* admits, "had unquestionable attractions—large yards, garages, new schools, safe streets, and a frontier-sense of promise." But the new era of government planners will teach us better, according to the *Guidebook*. "More and more people are acknowledging the social, economic, and environmental costs of pushing ever-outward and the need for more effective planning."

**Private property, local control old-fashioned?**

The *Guidebook* and its smart-growth policies are a refutation of the American tradition of individual property rights. "People no longer believe," claims the *Guidebook*, "as they did in the nineteenth century, that land is merely something to be bought or sold." Instead, social planners will tell us which lands people can own and which lands are so valuable as to demand ownership and control by society (that is, government). "We see vacant, developable land as having competing social values," claims the *Guidebook*.

While local governments would implement the land-control policies, the *Guidebook* insists the policies be rigidly drafted at the state government level. State land-control laws must entail "*planning required with sanctions*" (emphasis in the original). Failure to abide by state-dictated land controls must be backed by a significantly powerful stick.

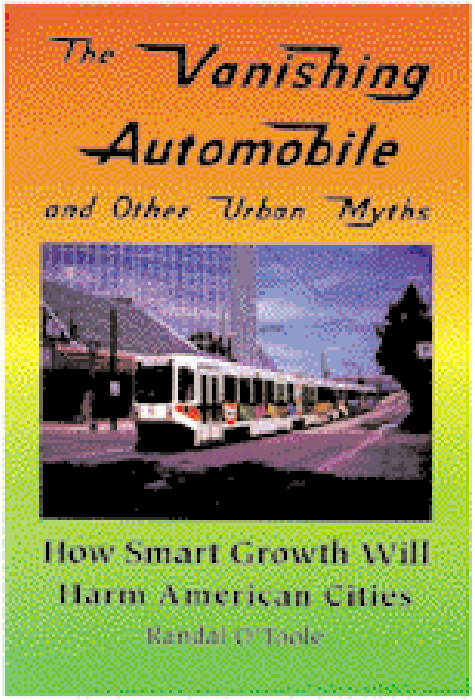
Similarly, local governments must not only draft their land-use ordinances to comply with land-control mandates issued by the state, but they also lose the right to opt out of the land-


# Freedom's Answer to so-called Smart Growth

*Smart growth* aims to destroy the American Dream of homeownership and mobility. Its advocates believe Americans should ride mass transit instead of drive cars and live in high-density apartments instead of low-density suburbs. To achieve these goals, smart-growth planners deliberately increase traffic congestion and make housing unaffordable.

*The Vanishing Automobile and Other Urban Myths* dispels smart-growth fantasies and presents free-market solutions to urban problems. The American Planning Association says *The Vanishing Auto* is "compelling and well documented" and "marshals a formidable array of facts" to "lambast planners' attempts to limit personal freedom."

If you live in a city, town, or suburb, then smart growth is coming to you and you need *The Vanishing Automobile*.




*The Vanishing Automobile* is written by Randal O'Toole, senior economist with the Thoreau Institute, adjunct scholar with the Cato Institute, and frequent contributor to *Environment & Climate News*.

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control process. The *Guidebook* calls for "legislation that mandates planning by local governments. Under this alternative, a government could not exercise regulatory and related powers unless it has adopted a comprehensive plan that satisfies statutory criteria."

The *Guidebook* urges strict protections against local governments using their traditional discretionary powers to circumvent state-mandated land controls. "Model statutes should anticipate the potential for abuse of planning tools and correct for it... [M]any local boards of zoning appeals were overstepping their authority and granting variances that, in effect, amended the zoning regulations."

**Smart growth doesn't work**

Many land use experts have less sanguine views toward central planning. Urban growth expert Wendell Cox of The Public Purpose points out that metropolitan regions with smart-growth policies have experienced an increase in traffic, pollution, and other urban ills.

"Let's talk for a few moments about Portland—that leader in smart growth," said Cox at a December 2001 debate on smart growth. "First of all, Portland sprawls more than Los Angeles. Its urban area is barely one-half as dense as Los Angeles, and will be less dense in 2040, according to Metro. Portland seems to be striving to become Los Angeles.

"Already Portland's lack of investment in highways is showing. The Texas Transportation Institute indicates Portland's Travel Time Index is worse than that of Atlanta, which is renowned for its traffic congestion. And things are not going to get better. According to Metro's own projections:

"• Traffic will be 40 percent more intense in Portland's more dense environment in 2040 than it would have been if the urban area had been allowed to continue to expand.

"• Transit will make little difference. Transit's market share will rise from 3 percent now to 6 percent in 2040.

"• By 2020, per-capita traffic delays will increase 350 percent.

"• Despite huge increases in transit service by 2020, there will be a five percentage point drop in homes within walking distance of transit and a 2 percent decline in jobs within walking distance of transit.

"This, Portland, is what you call a livable city?"

Transportation and urban growth expert Randal O'Toole, senior economist with the Thoreau Institute and author of *The Vanishing Automobile and Other Urban Myths*, has similarly shown that taxpayer-funded mass transit systems, which go hand-in-hand with smart-growth planning, are ineffective, prohibitively costly, and lead to a decline, rather than resuscitation, of inner cities.

"Cities that have emphasized transit over highways experienced the greatest increases in congestion over the past two decades. Data from the Texas Transportation Institute reveals that cities that concentrated on highways instead of transit did fairly well at minimizing the burden of congestion on their residents. This makes sense because few transit investments carry as many passenger miles as comparably priced highway investments."

**Beware the unintended consequences**

The National Association of Home Builders (NAHB) responded cautiously to the APA *Guidebook*.

While complimenting certain aspects of responsible community development, the NAHB, in conjunction with the National Association of Industrial and Office Properties, the National Association of Realtors, the International Council of Shopping Centers, the Self Storage Association, the National MultiHousing Council/National Apartment Association, and the American Road and Transportation Builders Association, authored a dissent that warned of many unintended, and negative, consequences.

Among the dissent's concerns were:

- A lack of certainty regarding construction projects, as virtually anybody could challenge and repeatedly re-challenge local building permits;
- Vague and undefined prohibitions against development that threatens "the environment";
- The asserted right of people to re-zone their neighbor's property under "community interest";
- A blurring of the distinction between "smart growth" and "no growth."

"It is now up to individual states, counties, and municipalities to decide how they will use the ideas, recommendations, and model legislation offered in the *Legislative Guidebook*," observed the NAHB. "The stakes are high for everyone."

**FOR MORE INFORMATION**

**WWW** About the American Planning Association's *Growing Smart Legislative Guidebook*, visit the group's Web site at **www.planning.org/growingsmart/index.htm.**

For reactions to the *Guidebook* and other smart-growth issues, visit the Web site of the National Association of Home Builders **www.nahb.org/smartgrowth/default.htm**; The Public Purpose **www.publicpurpose.com/**; and The Thoreau Institute **www.ti.org/**

You can also search *PolicyBot*, The Heartland Institute's free online research service, for research and commentary on sprawl and smart growth. Point your Web browser to **www.heartland.org,** click on the *PolicyBot* icon, and search for the Topic/Subtopic combination Government/Urban Planning.

# Department of Transportation funds smart-growth groups

**BY RANDAL O'TOOLE**

The U.S. Department of Transportation (USDOT) gives millions of dollars in grants each year to promote smart growth in American cities. Although these grants are mostly given to government agencies, a large share of this money—perhaps several million dollars per year—finds its way into the hands of smart-growth advocacy groups that use the funds to lobby or "educate" the public in support of smart-growth policies.

The funds are given out under Section 1221 of the 1998 transportation authorization act (TEA-21), in which Congress directed the USDOT to give $120 million through 2003 to states and communities for "Transportation, Community, and System Preservation" (TCSP) pilot projects.

**Skewed toward smart growth**

The TCSP program skews planning toward smart growth in several ways:

- In a few cases, all or nearly all of the grant funds are simply passed on by the government agency to nonprofit advocacy groups.
- In more cases, the nonprofit groups get a share of the funds to use for specific activities, such as radio propaganda campaigns favoring transit or smart growth.
- In a few cases, smart-growth groups share membership on such advisory committees with more moderate groups, such as homebuilders, but the grants are still clearly oriented towards promoting smart growth.
- In other cases, local governments applied for the grants and began planning for smart growth in their areas even without the involvement of nonprofit advocacy groups ... just because the federal government was giving away millions of dollars for smart-growth planning.

Unfortunately, unlike EPA grants, it is difficult to calculate exactly how much money is finding its way into the hands of advocacy groups. EPA gives some of its grants directly to nonprofit groups, making it easy to get information about such grants. Because TCSP funds are given to state and local governments, which may or may not share them with nonprofits, data are more difficult to obtain. But some information can be gathered from the USDOT Web site.

**How much, and where does it go?**

In 1999 DOT gave out about $14 million in TCSP funds. That increased to $31 million in 2000 and $47 million in 2001. Since full proposals only for 1999 grants are posted on the DOT Web site, most of the following analysis is about those grants.

**DOT continued on page 14**

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## Department of Transportation still funding smart-growth groups

continued from page 13

In 1999 DOT gave 35 TCSP grants totaling $14.2 million. Of these, about 32 grants of $13.4 million can be identified as being for smart growth. Here I am defining smart-growth to include projects emphasizing transit, bikes/pedestrians, or high-density or mixed-use developments. I also included a couple that emphasize the "transportation land-use connection" even if they didn't emphasize non-highway modes of travel.

Judging from the full proposals posted for 21 of the 1999 grants, more than three-quarters of these grants specifically include "non-traditional partners," meaning non-governmental groups. If we ignore universities, consulting firms (often included to assist with public involvement), and quasi-governmental councils, 15 of the 21 projects still include nonprofit groups, such as the Sierra Club.

Most of the proposals mention these nonprofits by name. Sometimes the groups will be on a steering committee and do not seem to get any funds. But many of the proposals clearly intend to give some or all of the funds to these groups. Here are the best-documented examples.

In Salt Lake City, the Coalition for Utah's Future is the lead group doing Envision Utah, which received $425,000. Although the governor's office is technically the grant recipient, all of the money probably went to this smart-growth advocacy group. Envision Utah received another $205,000 in 2000. Ironically, one of the other funded proposals calls Envision Utah a "top-down planning program."

The Ada Planning Association is the "fiscal agent" and one of the two "primary leaders" for a $510,000 grant to promote smart growth in Boise, Idaho. While this grant says it will not do "top down" planning as was done by Envision Utah, one of its primary objectives is to "overcome the major barriers currently impeding compact development."

In Centre County, Pennsylvania, a nonprofit called the ClearWater Conservancy is the lead group in a $750,000 project to plan high-density uses around a new interstate highway. The Centre County Planning Office is technically the grant recipient, but the Conservancy got most if not all of the money. I looked up the ClearWater Conservancy on the Web, but it has not yet posted anything relating to this project (the Web page says "coming soon"). So it is difficult to tell just what their orientation on transportation is.

In Oregon, the Lane Council of Governments received $600,000 for the Willamette Valley Livability Project. Most of this money was spent distributing a 16-page, anti-road, smart-growth propaganda pamphlet to 450,000 Oregon households. The pamphlet was written by 1000 Friends of Oregon and its allies. See http://www.ti.org/vaupdate10.html for more about this publication.

> **"By sharing grants with nonprofit advocacy groups, [government] agencies can get around such limits and use public funds to persuade people to support policies not in the public's best interest."**

In Seattle, the local MPO received $400,000 to promote transit-oriented development. The proposal says the MPO "will contract with 1000 Friends of Washington" to do radio ads, community forums, and community profiles. It isn't clear how much 1000 Friends will get.

In Philadelphia, the Pennsylvania Environmental Council shared in a $665,000 grant that aimed to "sow the seeds of public support for transit-oriented developments" (TODs). The grant explicitly described the Environmental Council as a "smart-growth" organization and stated it would use its share of funds for "TOD advocacy."

Bluegrass Tomorrow is described as a "smart-growth advocacy group" that plays a major role in a $525,000 grant to promote smart growth in Frankfort, Kentucky. At first the proposal's innocuous terms, and the claim Toyota and Valvoline both support Bluegrass Tomorrow, made me wonder if this "smart growth" was more like quality growth. But I looked at the Bluegrass Tomorrow Web site, http://www.bluegrasstomorrow.org, and there's no question it is just the same old smart growth.

In Gainesville, Florida, a smart-growth group called Sustainable Alachua County (SAC) "will play a significant role" in a $150,000 project to promote smart growth. SAC has been active in local transportation planning and the project gives it an official inside track into the planning process. While the group probably does not get any money out of the grant, it gets to play a major role in designing the local transportation plan. As the grant proposal says,

"One of SAC's roles in this grant will be to provide in-kind services as part of the project team. Such services will include performing quantitative assessments of the quality of the urban environment, such as measuring transit and pedestrian friendliness factors in sample traffic analysis zones of the community. For example, SAC Focus Team members will be used to measure building setbacks and ease of crossing the street in various locations that exhibit different development characteristics."

In these cases, it is apparent the local governments are using the nonprofit groups to do the advocacy work government agencies are not allowed to do. Government agencies are supposed to be politically neutral, and are generally not supposed to lobby or propagandize in favor of their specific agendas. By sharing grants with nonprofit advocacy groups, these agencies can get around such limits and use public funds to persuade people to support policies not in the public's best interest.

### Tipping the scales

A few grants appear superficially balanced. A $275,000 grant to Johnson City, Tennessee, lists the Sierra Club and the local home builders association as being on a steering committee to coordinate land-use and transportation planning. The Sierra Club and some local conservation groups are listed in a $450,000 grant to promote smart growth in Raleigh-Durham, but so are local chambers of commerce. Still, both grants emphasize smart-growth policies.

Six grants are clearly oriented to smart growth but do not seem to give any funds or preference to smart-growth nonprofit groups. These include:

- a land-use planning grant to Anchorage, Alaska;
- a transit planning grant to San Francisco;
- a visioning grant to Washington, DC;
- a transit planning grant to Providence, Rhode Island;
- a transportation-land-use planning grant to Charleston, South Carolina; and
- a land-use planning grant to Charlottesville, Virginia.

The USDOT Web site posts only an abstract, not a complete proposal, for 14 of the 1999 grants and most of the 2000 grants. The abstracts usually make it clear the grants will promote smart growth, but they are not complete enough to mention whether any nonprofit partners are involved.

Grants given in 1999 for which we have only the abstract include:

- a $225,000 pro-transit grant for Tempe, Arizona;
- a $150,000 pedestrian-bicycle grant for Escalon, California;
- a $182,000 community planning grant for Lee Vining, California;
- a $480,000 transportation grant for Hartford, Connecticut;
- a $450,000 smart-growth grant for Maryland;
- a $48,000 transportation planning grant for Saginaw, Michigan that focuses on "pedestrian mobility" and "public transit";
- a $355,000 smart-growth grant for Lansing, Michigan;
- a $600,000 "smart choices" grant for Kansas City, Missouri;
- a $70,000 waterfront planning grant for Troy, New York;
- a $195,000 smart-growth demonstration project in Cleveland, Ohio;
- a $300,000 gentrification project for Dayton, Ohio;
- a $500,000 "main street revitalization" project for Houston, Texas;
- a $300,000 gentrification project in Martinsburg, West Virginia; and
- a $365,000 smart-growth grant for Madison, Wisconsin.

I tentatively classify all of these as smart-growth projects except the Lee Vining, Troy, Dayton, and Martinsburg grants. The abstracts rarely mention partners; if they do, those partners are never named. More information about these grants might be available on the Web sites of the grant recipients, but I haven't looked.

### Advocacy partners abound

Partners are a part of every TCSP grant, if only because "Partnerships" is part V of the formal grant application. While this doesn't necessarily mean the partners will be nonprofits biased toward smart growth, the fact that most of the planners submitting the grant requests are biased to smart growth certainly makes this likely. A few grants, such as a $177,000 grant to promote transit-oriented development in San Francisco, list only government agencies as partners. But these are in the minority.

### FOR MORE INFORMATION

**WWW** The grant information described in this article comes from the following U.S. Department of Transportation Web pages:

**http://www.fhwa.dot.gov/tcsp/19992001.htm** is a list of all grants given in 1999 through 2001.

**http://www.fhwa.dot.gov/tcsp/99/index.html** links to detailed information, including grant proposals in most cases, for 1999 grants.

**http://www.fhwa.dot.gov/tcsp/00/index.html** links to information, including abstracts but not usually complete grant proposals, for 2000 grants.

**http://www.fhwa.dot.gov/tcsp/01awards.html** is a press release for 2001 grants.

In sum, only four of the 35 1999 grants do not seem to be about promoting smart growth, but without the complete proposals for these grants we can't tell for certain.

All of these grants were given by the Clinton administration, but there is no evidence the Bush administration is doing anything different this year. The Secretary of Transportation is the administration's token Democrat and a strong supporter of light rail. He has promised smart-growth groups he will continue the previous administration's policy of supporting smart growth.

Auto drivers should be outraged that Congress dedicates their gas taxes to groups whose aim is to increase congestion and discourage auto driving. Those of you who support the American Dream should work to eliminate TCSP from the next transportation authorization bill.

*Randal O'Toole (rot@ti.org) is senior economist with the Thoreau Institute (www.ti.org) and author of the recent book,* The Vanishing Automobile and Other Urban Myths.

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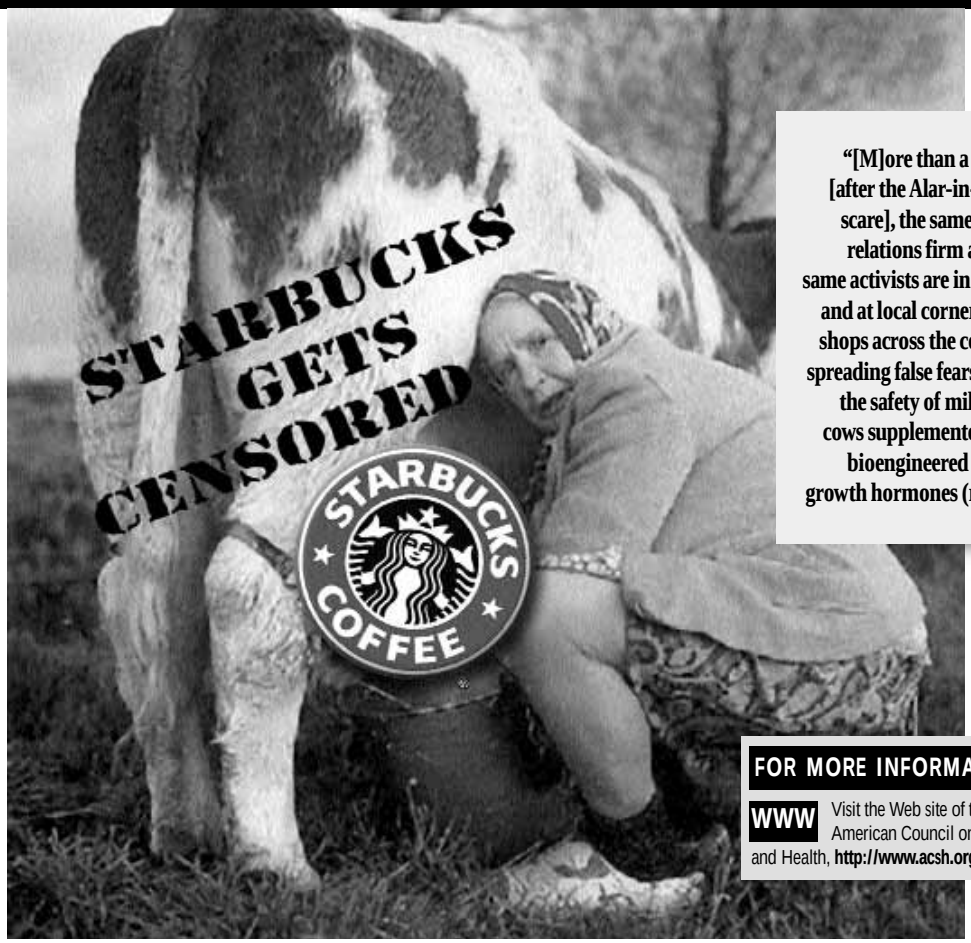


**"[M]ore than a decade [after the Alar-in-apples scare], the same public relations firm and the same activists are in Seattle and at local corner coffee shops across the country, spreading false fears about the safety of milk from cows supplemented with bioengineered bovine growth hormones (rbST)."**

**FOR MORE INFORMATION**

**WWW** Visit the Web site of the American Council on Science and Health, **http://www.acsh.org**.

# Starbucks protestors spread false fears about safe foods

## *Misleading attacks on milk and safe foods cause unnecessary concerns for parents and consumers*

**BY THE AMERICAN COUNCIL ON SCIENCE AND HEALTH**

Anti-biotechnology activists engaged in a week of "direct action" at Starbucks Coffee shops in February with false and misleading information about food safety, nutrition, and the environment.

The same people who brought you a long list of other false health and environmental scares—including the infamous Alar-in-apples scare, the Dow-Corning breast implant campaign, and dozens of other debunked fears—are at it again. This time the scaremongers are targeting such safe foods as milk and other dairy products in your local Starbucks.

As they did with the Alar-in-apples scare, activists often attack products associated with children—like milk and ice cream—falsely linking these products with horrible ills such as cancer to evoke the greatest fear among parents and the consuming public. The harm and cost to consumers and farmers alike can be significant.

### Much ado about Alar

In 1989 environmental activists and their public relations firm, Fenton Communications, claimed apple growers' use of the plant growth regulator Alar was causing cancer in children who eat apples and drink apple juice. The claims made national headlines and were highlighted on news programs like *60 Minutes*. They turned out to be false, but they cost apple farmers (particularly those in Washington State) hundreds of millions of dollars, increased consumer food costs, and caused a significant spike in consumer purchases of organic produce. Fenton Communications also represented organic food industry interests, who funded the environmental activists.

When the science and health community responded, showing the offending "cancer-causing" chemical was, in fact, less carcinogenic than bacon, tap water, or peanut butter (Bruce Ames, University of California Berkeley), it was too late. The public relations firm had achieved its goal: "The PR campaign was designed so that revenue would flow back to the (client) from the public." (Fenton Communications memo published in the *Wall Street Journal*, 10/3/1999).

When confronted over a decade later, when the false "cancer in children" fears failed to materialize, the PR firm referred inquiries to its client, the Natural Resources Defense Council, which stated, "The message of that report might have been muddled by the media, and the public might have over-reacted, because we never said there was an immediate danger from Alar..." (PR Central's *Inside PR Monday*, September 4, 2000)

### Starbucks deja vu

Now, more than a decade later, the same public relations firm and the same activists are in Seattle and at local corner coffee shops across the country, spreading false fears about the safety of milk from cows supplemented with bioengineered bovine growth hormones (rbST).

This time, Fenton Communications represents ice cream manufacturer Ben & Jerry's and a variety of other "organic" and "natural" products companies whose sales benefit from these scares. Fenton also represents the Genetically Engineered Food Alert coalition, which is attacking the safety of dairy products derived from cows supplemented with rbST. Once again, the activists are funded by the benefitting organic industry interests.

The public relations campaign promotes false claims by evolutionary ecologist Michael Hansen, Dr. Samuel Epstein (ranked by the American Association for Cancer Research as the least credible scientist on issues of environmental cancer), and fired Fox journalists-turned-activists Steve Wilson and Jane Akre.

These self-proclaimed experts claim dairy products from rbST-supplemented cows cause cancer; that the cows themselves are harmed by rbST supplements; and that small dairy farmers are hurt by the competition. But hundreds of real experts have published and commented on these issues, and their conclusions differ dramatically from those reached by the scaremongers:

- American Cancer Society: "There are no valid findings to indicate a risk of human carcinogenesis."
- Health Canada (Royal College of Physicians and Surgeons of Canada expert panel): There is "no biologically plausible reason for concern about human safety."
- Children's Nutrition Research Center (Baylor College of Medicine): There is "no scientific basis for claims regarding bovine somatotropin and IGF-1 ... [I]f (these claims) were true, then human colostrum, human breast milk, and indeed, all milk would be incriminated as a cause of cancer ... [W]omen and their children have nothing to fear regarding the nation's milk supply."
- The American Medical Association: "BST is a protein hormone that is produced naturally by cows to help them make milk. Supplementing cows with small amounts of BST has been shown to increase their milk production by 10-40 percent per cow without harming the animal or altering the nutritional value of their milk."
- National Institutes of Health (*Journal of the American Medical Association*): "rbST-treated cows experience no greater health problems than untreated cows."
- Former U.S. Surgeon General C. Everett Koop: "Unfortunately, a few fringe groups are using misleading statements and blatant falsehoods as part of a long-running campaign to scare consumers about a perfectly safe food. Their long-range goal is to prevent the benefits of biotechnology from reaching the public. Because dairy foods are an important, widely consumed source of nutrition, it is necessary to condemn these attacks on the safety of milk for what they are: baseless, manipulative, and completely irresponsible."

So, next time you look at a pint of eco-friendly Ben & Jerry's or the premium-priced organic milk option offered by Starbucks, remember: All milk contains bovine growth hormones—they are naturally produced by all dairy cows. Supplementing dairy cows to help them maintain their natural peak levels of this hormone does not change the milk in any way—but it does help protect our environment by enabling family dairy farmers to produce more milk with fewer cows. This results in significantly less water and fuel use, less grain and land under the plow, and less animal waste. This safe product—used by more small dairy farmers than large—also helps family farmers remain profitable, so they can afford to pass along their farms to future generations.

Biotechnology helps farmers produce more safe and nutritious food, using less land and less input. This is good for consumers, good for the environment, and good for farmers. Misleading fear campaigns, on the other hand, are not.

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# Mexican jumping genes

BY HOWARD FIENBERG

## *Nature* report is challenged by academic researchers worldwide

A common nightmare for opponents of genetically modified (GM) (also known as "transgene") crops: "What would happen if the genes got loose?" Would the herbicide resistance in some GM crops spread to regular corn, resulting in a mutant super-weed immune to all herbicides? What if GM seedlings destroyed the regular ones? The list of theoretical fright-fests seems endless.

So the news media and the environmentally concerned stood at attention in November, when the respected scientific journal *Nature* reported that genes from GM corn had been discovered in native Mexican corn and were destabilizing the Mexican corn's genome. As one of the researchers told the *Washington Post* (December 3), "Whatever its source, it's clear that genes are somehow moving from bioengineered corn to native corn."

In 1998, the Mexican government had declared a moratorium on the planting of GM corn, primarily as a means to protect the crop diversity found in the region where the genetic interlopers were discovered, Oaxaca. In the wake of the *Nature* article, activists called for the banning of all GM crops in Mexico and even used it as a platform to ban GM crops worldwide.

An activist for Greenpeace, after the *Nature* article was published in November, called it "a worse attack on our culture than if they had torn down the Cathedral of Oaxaca and built a McDonald's over it." Accurate information was getting lost in a sea of rumors and accusations. A clerk at a government store told *Newsweek International* (January 28) that the corn could "cause a disease called cancer."

But while politics raged, the scientific community seethed: Fundamental flaws called into question all of the conclusions of the *Nature* study.

A *Nature* editorial note in March officially ended the scam: "*Nature* has concluded that the evidence available is not sufficient to justify the publication of the original paper."

### GM trace elements found

The authors of the study, David Quist and Ignacio H. Chapela, investigated corn native to Oaxaca (meaning corn varieties regularly grown there, since no variety actually qualifies as "native"), called landraces. Using highly sensitive polymerase chain reaction (PCR) and inverse PCR (IPCR) approaches, they tested for the presence of elements common to commercial GM crops.

Quist and Chapela reportedly discovered traces of the 35S promoter from the cauliflower mosaic virus (CaMV) in local landraces. CaMV35S is regularly incorporated into GM crops in order to activate the implanted genes. The researchers concluded these GM corn genes had "introgressed" (shifted from one pool of genes to another) with landraces and implied such gene flow was widespread from presumed illegal plantations of GM corn within Mexico.

The researchers also claimed the "introgressed" genes were unstable, having "become reassorted and introduced into different genomic backgrounds." In plain English, the mixing of the two corns put the DNA chains in the genome into strange orders. This could lead to unknown and unpredicted effects, since a "gene's behavior depends on its place in the genome." (*Science*, March 1)

### Scientific community responds

When the Mexican government was informed of the corn findings last year, Mexico's Secretary for Environment and Natural Resources ordered further tests. The government later confirmed that the "contamination" of native strains had indeed occurred.

However, their tests simply duplicated those of the authors of the *Nature* study. And the scientific community was not convinced those methods were any good.

The Center for the Improvement of Maize and Wheat in Mexico checked out its own extensive stocks of corn as well as samples collected fresh from the fields and found no evidence of the genes Quist and Chapela reportedly discovered.

A molecular biologist at the Center, Marilyn Warburton, expressed concern to *Science* on the reliability of the PCR tests. "If you get a positive result, you have to check it repeatedly. ... And even then you need to confirm it by another method to be completely sure you're not fooling yourself." IPCR false positives occur often because samples can become contaminated easily with the substance for which the IPCR is testing. Both PCR and IPCR are prone to false positives because they are so sensitive. But Quist and Chapela did not report conducting any extra tests.

An editorial in *Transgenic Research* pointed out many problems in the tests that Quist and Chapela did report. For instance, only one of the gene sequences, the CaMV35S, was analyzed with both IPCR and PCR. The rest were run only through the PCR. *Transgenic Research* concluded that the results probably resulted from "minute contamination of the ground sample powders." *Transgenic Research*'s editors also complained that the IPCR results were "problematic, internally inconsistent and not what is expected from cross-pollination" by GM crops.

Like Warburton, the *Transgenic Research* editors were baffled by the lack of extra testing. In particular, they wondered why the *Nature* authors had not conducted "the easy and incontrovertible experiment of growing out the suspected contaminated lines" which would make any hybridization plainly obvious.

But the most disturbing aspect of the *Nature* study, the reassortment and unpredictable instability of the resulting hybrid genome, elicited the harshest criticism. "Cross pollination and introgression would not produce these results." Since the authors did not show "the presence of intact inserts, which are more likely to be present than fragments of unknown origin," *Transgenic Research* concluded that the *Nature* study was most likely a "testimony to technical failure." *Transgenic Research* claimed to be disappointed "that the editors of *Nature* did not insist on a level of scientific evidence that should have been easily accessible if the interpretations were true. Consequently, no evidence is presented to justify any of the conclusions."

### War of words begins

Concerned about such criticisms, anti-GM activists released a "Joint Statement" condemning the scientific challenges as "academic intimidation" and a "highly unethical mudslinging campaign." A bevy of researchers and biotechnology advocates fired back with a Joint Statement of their own in support of "vigorous scientific discourse."

Public debates aside, *Transgenic Research* was not alone in its concerns. Three other academic teams officially challenged *Nature* to withdraw Quist and Chapela's article, but have been under a "blackout" imposed by the journal while it considers their input. Editor Philip Campbell ducked questions about them and the article, saying, "Our policy in general is to consider criticisms received after publication as promptly as possible."

Serious scientific questions were raised about a published article with major public policy implications. Sensible policy debate requires as much sensible data as possible. Although *Nature* has not published the critical rejoinders, at least it has given no more ink to the flawed study.

**"Serious scientific questions have been raised about a published article with major public policy implications. Sensible policy debate requires as much sensible data as possible."**

*Howard Fienberg is a columnist for TechCentral Station and a senior analyst at the Statistical Assessment Service, a DC-based nonpartisan, nonprofit organization dedicated to examining the interface between scientific data, the media, and public policy. This article first appeared on the TechCentralStation.com Web site.*

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EDITORIAL

# Local issues take center stage in environmental debates

BY JAMES M. TAYLOR
MANAGING EDITOR

A tried and true political adage declares "all politics are local." Those who doubt it need only look at the past year in environment news to see the truth in the saying.

**Citizens prevail in the Klamath River Basin**

In the summer of 2001, local farmers in a relatively unknown corner of the country known as the Klamath River Basin brought the issue of Endangered Species Act abuses into the national consciousness with a Boston Tea Party-like civil protest over citizens' water rights.

While abuses had occurred many times in many different places, the we're-not-going-to-take-it-anymore protests of a single rural community set in motion a debate that may, with any luck, finally induce Congress to amend the most over-reaching aspects of the ESA. Prior to the grassroots protests launched by this single community of concerned citizens, national politicians were unwilling to tackle such a political hot potato as the ESA.

At the same time Klamath farmers initiated a groundswell of political action regarding salmon, suckers, and property earned by World War I veterans, local citizens in the Klamath Basin and elsewhere around the country began mounting successful legal challenges, one-by-one, against unsound science used to divest citizens of their property rights.

Through a citizen lawsuit, a federal district court in Oregon called attention to the fact that allegedly endangered salmon are nowhere near extinct or even threatened. Breed-and-release programs have introduced millions of "endangered" salmon into the wild; as a result, 2002 appears to be the most successful salmon run in decades.

After citizen challenges to federal Fish and Wildlife Service findings, the federal government called on the National Academy of Sciences to determine whether artificially restricting the flow of water from Klamath Lake was necessary to protect the endangered-but-not-really-endangered salmon. Citizen demands for sound science prevailed: The NAS reported denying water to area farmers actually harmed the salmon and suckerfish, rather than helping them.

> **"The only way to ensure that sound science, open markets, and freedom are defended in ongoing national debates is to invest the time, resources, and commitment necessary to prevail at the grassroots level."**

**Winning the West all over again**

Grassroots success stories have not been limited to the Klamath region. Lawsuits by citizens across the American West, particularly in Arizona and Nevada, reaffirmed the right of common citizens to graze their cattle, maintain their roads, and use their property free of undue interference by over-reaching and scientifically unsound environmental laws.

In Utah, the state legislature responded to the radical environmentalist tactic of obstruction-by-litigation by empowering citizens to countersue activists who improperly file lawsuit after lawsuit to obstruct the legal use of property. Not only may citizens recover economic loss, court costs, and attorney fees, but the legislature set aside over $100,000 to retain an attorney to assist common citizens in their defense against environmental lawsuits.

The list of grassroots citizen success stories during the past year is impressive ... but so also was the effort spent by environmental activists to shut down freedom, sound science, and property development.

In the American West, a vast majority of the land continues to be owned by the government. The use of this government-owned land is largely dictated by environmental activist groups, many of whom receive substantial federal taxpayer dollars to pressure the government to keep local citizens out of the land-use debate.

Environmental lawsuits are filed repeatedly and on a daily basis, not with the good-faith belief that the law is on the activists' side, but with the pernicious motive of convincing private property owners it is not worth the time, effort, and legal cost to exercise their legal rights to their property.

**From DC to your home state?**

Even debates on national issues are ultimately being decided at the local level. The state of California, for example, has taken it upon itself to implement costly and unrealistic fuel efficiency standards for SUVs. Regardless of the outcome of the national fuel economy debate, automakers and auto workers across the country will be deeply hurt by the new California standards.

In Illinois and elsewhere across the country, radical environmentalists are introducing legislation to circumvent a U.S. Supreme Court decision stating that isolated ponds and seasonal swamps are not "navigable waters" subject to aggressive federal regulation. Who needs a favorable Supreme Court decision when you can sneak in unconstitutional property limitations through the back-door of a state legislature?

And, as we note on page 12 of this issue of *Environment & Climate News*, the American Planning Association has begun distributing to state and local legislators across the country a 1,450-page guidebook seeking to impose uniform "smart-growth" (read, "no-growth") land-use policies on every local community in the country. The APA admits its target is "large yards, garages, new schools, safe streets, and a frontier-like sense of (suburban) promise."

The group aims to stifle local decision-making and turn every local community into a mini-metropolis, opening hundreds of new fronts in the smart-growth battle. Unable to muster federal authority for their authoritarian vision of how government should stifle individual property rights, the APA is mounting a focused, concerted effort to push its agenda through state and local legislatures.

The dangerous implications of state and local debates over such issues as uniform smart-growth policies cannot be overstated. A central tenet of so-called smart-growth policies is the eradication, or at least the marginalization, of privately owned automobiles. Fighting to block any new road-building and forcing citizens to cough up huge taxpayer subsidies for ineffective mass transit, smart-growth advocates would solve the national CAFE debate through the back door. If citizens can be forced to give up the freedom of their own automobiles through a variety of heavy-handed government programs, the debate over automobile fuel efficiency becomes entirely moot.

All politics are indeed local. And similarly, the most important national environment issues are being decided at the grassroots level. The only way to ensure that sound science, open markets, and freedom are defended in ongoing national debates is to invest the time, resources, and commitment necessary to prevail at the grassroots level.


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